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House of Representatives

The House met at 10:30 a.m.

The Reverend Elizabeth C. Sisco, Christ United Methodist Church, Levelland, Texas, offered the following prayer:

Most Holy One, we are Your people. Today, once again, we ask that Your wisdom, truth and mercy guide the decisions that will be made here in these halls.

May the law made here be such that each of Your children, wherever they may be, experiences Your promise of peace and justice.

May this promise become a reality which recognizes, accepts, affirms and respects our differences; a reality which shares and honors our common humanity; a reality which seeks truth with sensitivity and fairness; a reality which nurtures all of Your creation; a reality which commits to our service of each other in a real and diverse world; a reality which affirms Your gift of grace to all men, women and children.

This we pray in the name of the One who was, is, and always will be. Amen.

□

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. MCNULTY. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed until later today.

The point of no quorum is considered withdrawn.

□

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. NADLER) come forward and lead the House in the Pledge of Allegiance.

Mr. NADLER led the Pledge of Allegiance as follows:

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

□

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 97. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

□

REVEREND ELIZABETH SISCO

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

Mr. COMBEST. Mr. Speaker, I rise to welcome and honor the Reverend Elizabeth Sisco, who graciously offered today's morning prayer. Reverend Sisco is a remarkable pastor and civic leader who has touched the lives of many in the West Texas community.

Reverend Sisco serves at Christ United Methodist Church in Levelland, Texas, where she focuses on empowering her congregation. Even before Reverend Sisco went to seminary, she took an extraordinarily active role in her church and worked to raise thousands of dollars to aid the poor in Texas. A proud wife, mother, and grandmother, she also served her community on the Lubbock Independent School Board.

Reverend Sisco began studying theology with the intention of gaining more church responsibility for the lay people of her church. She was called to the clergy when she discovered that she could change lives with her keen understanding of theology and her ability to draw individuals together.

Reverend Sisco has certainly changed lives as a mediator, a confidant, and respected community figure. I thank her for the words she offered this morning and her gift of service to our region.

□

GUN SAFETY LEGISLATION

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

Mr. NADLER. Mr. Speaker, our country is flooded with deadly weapons, and it is time we take real action to protect our families and children from the wave of gun violence that is sweeping America.

Too many innocent people have died because of the lack of tough, smart, Federal gun control laws. Too many criminals, mentally unstable individuals and children still have easy access to handguns.

The American people are calling out for change in our gun laws. They support closing the gaping gun show loophole in the Brady law. They support banning large capacity ammunition clips. They demand trigger locks. And as the Million Mom March will demonstrate on Mother's Day, they also support handgun licensing and registration.

I urge my colleagues to cosponsor the legislation that I introduced and several others introduced in September to require licensing and registration of all handguns.

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Mr. Speaker, the problem is not with the American people; they know what is best for the country. They support common sense gun safety legislation. The problem is with the leadership of this House that is subservient to the NRA. As long as the NRA controls this House, the people's voice will not be heard. Sadly, the American people pay a heavy price for the failure of the leadership of this House.

□

CAMPAIGN FINANCE LAWS NEED TO BE ENFORCED

(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, it is a good question. Just exactly who is subservient to whom? The Vice President of the United States had as one of his principal campaign fund raisers an agent of the Chinese government.

My colleagues, it is true that our children are vulnerable, but not to law-abiding citizens who obey existing laws. They are vulnerable to those who refuse to enforce existing laws and those who would break campaign laws. Yet our friends from the left will get up and talk about campaign finance reform.

I would remind this body again, to have the Clinton-Gore gang talk about campaign finance reform is akin to Bonnie and Clyde at the height of their crime spree holding a press conference demanding tougher penalties for bank robbers. It is absurd.

We embrace the Constitution, we embrace enforcing and abiding by existing law, and all the laws in the world make no difference if they are not obeyed.

□

NRA RUNNING OUT OF ARGUMENTS AGAINST GUN SAFETY

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

Mr. CONYERS. Mr. Speaker, the House passed the Lofgren motion a week ago instructing the conferees to insist that the comatose gun safety conference meet. A week later, the silence is deafening.

The silence you hear, Mr. Speaker, is the NRA, National Rifle Association, running out of arguments against gun safety. First they said the gun laws do not work, but the Brady law stopped 500,000 felons, fugitives and stalkers from buying guns.

Then they said we need to enforce the laws. So now everyone supports enforcement.

But when you hear the NRA cry its misleading statistics, remember, it is a trick, a trick to divert attention from their opposition to closing the gun show loophole, a trick so that the NRA does not have to explain why it supports laws that allow criminals to get their guns back, and it is a farce. The NRA opposed the laws they now want so badly enforced, and the NRA has made sure that the agencies that enforce the gun laws can only do so with one arm tied behind their back.

□

PREVENTING A NUCLEAR CATASTROPHE

(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, it is common knowledge that nuclear waste is one of the most dangerous and deadly substances known to man. Yet before us today is Senate bill 1287, a bill which calls for the transportation of this deadly material across 43 States, near your neighborhoods, past your homes and school yards.

Overwhelming scientific evidence shows that transporting the unprecedented amount of nuclear waste as required in Senate bill 1287 endangers our environment and the lives of millions of Americans living across those 43 States. The Department of Energy estimates that a rail accident involving a shipment of nuclear waste would result in the radioactive contamination of a 42-square mile area.

Mr. Speaker, a cleanup of this environmental disaster would cost the taxpayers $620 million and require 460 days just to complete, millions of dollars, hundreds of days spent cleaning up a catastrophe that we can prevent today by voting no on Senate bill 1287.

Protect the lives of your constituents and our precious environment. Vote no on Senate bill 1287.

□

OVERBURDENING OSHA REGULATIONS HURTING AMERICANS

(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, this month the Occupational Safety and Health Administration announced that American homes are dangerous and ''a hazard to workers who work in their own home.''

Now, if that is not enough to bust your subdermal hematoma, check this out: employers who allow their own employees to work out of their own homes are now liable if their employee gets hurt in their very own home.

Beam me up.

What is next? Will husbands be fined for an aggressive honeymoon in their very own home?

I recommend that Congress ship OSHA to Japan and China, and let them screw those countries up.

I yield back the fact that these overburdening regulations in America are killing American jobs and forcing American companies to move overseas.

□

RISING GAS PRICES HURTING AMERICANS

(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, we have recently celebrated the first day of spring, and very soon Americans will take to the roads for their summer vacations. At least that is what they would like to do.

Unfortunately, rising gas prices may keep many Americans from taking summer vacations this year. Gasoline prices are rising out of control, with the possibility of reaching close to $2.00 per gallon this summer. These fuel prices have also forced airlines to raise ticket prices.

Mr. Speaker, today our Nation is more dependent on foreign oil than we were during the gas crisis of the 1970s, and Energy Secretary Bill Richardson admits that the Clinton-Gore administration was ''caught napping.''

Well, while the administration has been sleeping, gas prices have been skyrocketing. I hope the Clinton-Gore administration wakes up soon, because Americans cannot afford much more of these outrageous gas prices.

□

SUPPORT THE CHILD HANDGUN AND INJURY PREVENTION ACT

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

Ms. CARSON. Mr. Speaker, today I rise to ask my fellow colleagues a very important question: When is enough? Every day across the country our children are dying due to gun violence, and yet Congress has failed to stop the killing and protect our children.

I want to commend the Smith & Wesson agreement to provide safety locks on their handguns within 60 days and to make them child resistant within a year. I would encourage the manufacturers of Glock, who have the market on the law enforcement guns across this country, to follow suit.

Although this is a monumental step in the right direction for the gun industry, Members of Congress still have a long way to go to protect our children and our communities. My bill, H.R. 515, the Child Handgun and Injury Prevention Act, which I introduced in the first session of this Congress, would require child safety devices on all newly manufactured handguns. We have 72 cosponsors. We need another 363 cosponsors.

Mr. Speaker, we need to provide sensible gun legislation which would mandate child safety protection devices on handguns.

□

□ 1045

FEDERAL GOVERNMENT SHOULD OPERATE LIKE PRIVATE SECTOR

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

Mr. DUNCAN. Mr. Speaker, almost every day we read or hear about some

terrible waste of taxpayer dollars by the Federal bureaucracy.

Yesterday, the Associated Press reported that the Veterans Benefits Administration spent more than $200 million to upgrade its computers, but now it is slower than ever in processing claims.

This terrible inefficiency comes at a time when our veterans are dying at a rate of more than 500,000 a year, no major war for many years, and fewer soldiers and veterans now than in the past. It now takes 205 days to complete a veteran's claim compared to 164 in 1991, and 164 days was slow.

The problem is that Federal employees are paid the same whether they work hard or whether they work easy. There is already a big bonus system in place for outstanding performance.

What we need now is to cut the pay of Federal employees who are not working hard and efficiently and producing good results. This is what happens in the private sector. Real estate agents are not paid unless they sell the house. The Federal Government will always be a sea of ineptitude and inefficiency, as former Energy Secretary Watkins just described it, unless we make it operate more like the private sector.

□

NRA'S GRIP ON CONGRESS RESPONSIBLE FOR CHILDREN DYING

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

Ms. WOOLSEY. Mr. Speaker, the Republican majority and the National Rifle Association keep blaming everyone but themselves for this country's epidemic of gun violence, but the American people know that the tactics of the NRA have misfired again.

Guns kill; it is that simple. Until the Republican leadership takes aim at the real culprit, the proliferation of guns in the United States, 13 children a day will continue to die as a result of gun violence.

According to the Justice Department, Federal gun prosecutions are up 16 percent and State and local gun prosecutions have risen 22 percent. But still, our children are dying.

Our children need effective background checks, they need child safety locks, and they need the NRA to loosen its grip on the Republican leadership, and they need this now.

I urge my Republican colleagues to stop playing politics with children's lives and start working on meaningful gun legislation. Our children's lives depend on it.

□

REPUBLICAN BUDGET RESOLUTION IS FOOLISH AND SPENDTHRIFT

(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 not going to talk about guns, but I am going to talk about something we may vote on this week.

My Republican colleagues may bring to the floor a budget resolution that their own colleagues say is foolish and spendthrift. The Republican budget resolution, at least as we see it now, but I understand that it may be changing, does nothing to aid Social Security and Medicare and does not extend the programs' solvency for one single day. It spends the projected tax surplus on tax cuts, and it does not set aside a dime to pay off the $5.5 trillion in debt.

The Republican leadership, I am concerned, are making promises that they cannot keep. As a Democrat, it is not only us that is rejecting that budget. My colleague, the Senator from Texas said this last week, ''If this budget is adopted, we will have found a surefire way to stop Democrats from spending the surplus; the Republicans will spend it first.''

□

INTERNATIONAL ABDUCTION NO. 7—MITCHELL AND KELLY GOLDSTEIN

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

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Mitchell Goldstein and his daughter, Kelly. Her story is the seventh account in my series of 1 minutes on the more than 10,000 children who have been abducted to foreign countries.

In 1996, Mr. Goldstein's Swiss ex-wife abducted their then 4-year-old daughter, Kelly Goldstein, of whom Mitchell had custody and took her to Switzerland. Since that time, he has been in the Swiss courts seeking the return of Kelly, via the Hague Convention. After numerous failed appeals filed by his ex-wife, the Supreme Court of Switzerland ordered her return to the United States in a final decision rendered in August of 1997.

Mr. Goldstein has been to Switzerland three times to bring his daughter home. On these three occasions, he has been denied the chance to be reunited with his daughter because his ex-wife has fled with Kelly, placed her in foster care, or the court order has not been enforced by local authorities.

Mr. Speaker, Mitchell Goldstein is asking for someone to take action and help him bring his daughter home. I urge Congress, my colleagues, to step up to the plate and be that someone.

□

THE JOURNAL

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. MCNULTY. 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 352, nays 49, answered ''present'' 1, not voting 32, as follows:

[Roll No. 58]

YEAS—352

Abercrombie	DeMint	Johnson (CT)
Allen	Deutsch	Johnson, E. B.
Andrews	Diaz-Balart	Johnson, Sam
Archer	Dickey	Jones (NC)
Armey	Dicks	Kanjorski
Baca	Dingell	Kaptur
Bachus	Dixon	Kasich
Baker	Doggett	Kelly
Baldacci	Dooley	Kennedy
Baldwin	Doolittle	Kildee
Ballenger	Doyle	Kilpatrick
Barcia	Dreier	Kind (WI)
Barr	Duncan	King (NY)
Barrett (NE)	Dunn	Kingston
Barrett (WI)	Edwards	Kleczka
Bartlett	Ehlers	Knollenberg
Barton	Ehrlich	Kolbe
Bass	Emerson	Kucinich
Bateman	Engel	Kuykendall
Becerra	English	LaFalce
Bentsen	Eshoo	Lampson
Bereuter	Etheridge	Lantos
Berkley	Evans	Larson
Berman	Everett	Latham
Berry	Farr	LaTourette
Biggert	Fattah	Lazio
Bilirakis	Fletcher	Leach
Bishop	Foley	Lee
Blagojevich	Forbes	Levin
Bliley	Ford	Lewis (CA)
Blumenauer	Fowler	Lewis (KY)
Blunt	Franks (NJ)	Linder
Boehlert	Frelinghuysen	Lipinski
Boehner	Frost	Lofgren
Bonilla	Gallegly	Lucas (KY)
Bono	Ganske	Luther
Boswell	Gejdenson	Maloney (CT)
Boucher	Gekas	Maloney (NY)
Brady (TX)	Gephardt	Manzullo
Brown (FL)	Gilchrest	Markey
Bryant	Gillmor	Mascara
Burr	Gilman	Matsui
Buyer	Gonzalez	McCarthy (MO)
Callahan	Goode	McCarthy (NY)
Calvert	Goodlatte	McCrery
Camp	Gordon	McHugh
Campbell	Goss	McInnis
Canady	Graham	McIntosh
Cannon	Granger	McIntyre
Capps	Green (TX)	McKeon
Capuano	Hall (OH)	McKinney
Cardin	Hall (TX)	McNulty
Carson	Hansen	Meehan
Castle	Hastings (WA)	Meek (FL)
Chabot	Hayes	Meeks (NY)
Chambliss	Hayworth	Menendez
Clayton	Herger	Metcalf
Clement	Hill (IN)	Mica
Coble	Hilleary	Millender-McDonald
Coburn	Hinojosa	Miller (FL)
Collins	Hobson	Miller, Gary
Combest	Hoeffel	Minge
Condit	Hoekstra	Mink
Conyers	Holden	Moakley
Cook	Holt	Mollohan
Cooksey	Hooley	Moran (KS)
Cox	Horn	Moran (VA)
Cramer	Hostettler	Morella
Cubin	Houghton	Murtha
Cummings	Hoyer	Myrick
Cunningham	Hunter	Nadler
Danner	Hyde	Napolitano
Davis (FL)	Inslee	Neal
Davis (VA)	Isakson	Nethercutt
Deal	Istook	Ney
DeGette	Jackson (IL)	Northup
Delahunt	Jefferson	Norwood
DeLauro	Jenkins	Nussle
DeLay	John	

Obey	Roybal-Allard	Talent
Olver	Ryan (WI)	Tanner
Ortiz	Ryun (KS)	Tauscher
Ose	Salmon	Tauzin
Owens	Sanchez	Taylor (NC)
Oxley	Sanders	Terry
Packard	Sandlin	Thomas
Pascrell	Sanford	Thornberry
Pastor	Sawyer	Thune
Paul	Saxton	Thurman
Payne	Scott	Tiahrt
Pease	Sensenbrenner	Toomey
Pelosi	Serrano	Towns
Peterson (PA)	Sessions	Traficant
Petri	Shadegg	Turner
Phelps	Shaw	Upton
Pickering	Shays	Vento
Pitts	Sherman	Vitter
Pombo	Sherwood	Walden
Pomeroy	Shimkus	Walsh
Portman	Shows	Wamp
Price (NC)	Shuster	Watkins
Pryce (OH)	Simpson	Watt (NC)
Quinn	Sisisky	Watts (OK)
Radanovich	Skeen	Waxman
Rahall	Skelton	Weiner
Rangel	Smith (MI)	Weldon (FL)
Regula	Smith (NJ)	Weldon (PA)
Reyes	Smith (TX)	Wexler
Reynolds	Smith (WA)	Weygand
Riley	Snyder	Whitfield
Rivers	Souder	Wicker
Rodriguez	Spence	Wilson
Roemer	Spratt	Wise
Rogers	Stabenow	Wolf
Rohrabacher	Stearns	Woolsey
Ros-Lehtinen	Stenholm	Wynn
Rothman	Stump	Young (FL)
Roukema	Sununu	

NAYS—49

Aderholt	Hastings (FL)	Schaffer
Baird	Hefley	Stark
Bilbray	Hill (MT)	Strickland
Bonior	Hilliard	Stupak
Borski	Hinchey	Sweeney
Brady (PA)	Hulshof	Taylor (MS)
Brown (OH)	Lewis (GA)	Thompson (CA)
Chenoweth-Hage	LoBiondo	Thompson (MS)
Clay	McGovern	Udall (CO)
Clyburn	Miller, George	Udall (NM)
Costello	Moore	Velazquez
Coyne	Oberstar	Visclosky
Crowley	Peterson (MN)	Waters
DeFazio	Pickett	Weller
Filner	Ramstad	Wu
Gibbons	Rogan	
Gutknecht	Sabo	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—32

Ackerman	Gutierrez	McCollum
Boyd	Hutchinson	McDermott
Burton	Jackson-Lee (TX)	Pallone
Crane	Jones (OH)	Porter
Davis (IL)	Klink	Royce
Ewing	LaHood	Rush
Fossella	Largent	Scarborough
Frank (MA)	Lowey	Schakowsky
Goodling	Lucas (OK)	Slaughter
Green (WI)	Martinez	Tierney
Greenwood		Young (AK)

□ 1112

Mr. BILBRAY changed his vote from yea to nay.

So the Journal was approved.

The result of the vote was announced as above recorded.

□

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 444, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; and (2) one motion to commit.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 444 would grant a closed rule for consideration in the House of the Senate bill, S. 1287, providing for the storage of spent nuclear fuel pending completion of the nuclear waste repository and for other purposes. The bill shall be considered as read for amendment.

The rule provides that the previous question shall be considered as ordered on the bill to final passage without intervening motion except 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Commerce and one motion to recommit.

The Nuclear Waste Policy Act of 1982 was originally enacted on the premise that the Federal Government hold responsibility for the permanent disposal of the Nation's spent nuclear fuel and high level radioactive waste.

□ 1115

The need for subsequent legislation is based on three fundamental realities: First, the development of a permanent repository, originally scheduled to begin in 1998, but has been, unfortunately, derailed by past mismanagement and by political paralysis. Second, the nuclear waste fund financing mechanism needs some revision. And, third, the Department of Energy has requested authority to construct a Federal interim storage facility so that it can discharge its original responsibility.

S. 1287, which the House will consider today, contains a number of specific provisions which the managers of the bill will outline in considerable detail during their general debate, but the bottom line, Mr. Speaker, is that by passing this bill, which has already been passed in identical form by the Senate, the House can now move forward on an issue which has been mired in gridlock for far too long.

By passing this bill today, we will move S. 1287 to the President's desk and with one stroke of the pen we can finally stop stalling and instead begin facing up to our responsibility to the American people. Nuclear energy has long been a safe, clean and reliable means of generating electrical power that has fueled much of America's economic growth, but the nagging question about nuclear power, one that has remained unanswered for too long, is what will we do with the spent fuel that is produced at these plants all across the country?

Today, the long awaited answer to that question is before us. Simply put: This compromise, while it may not be perfect, is a responsible plan that should be implemented without further delay. Accordingly, I strongly encourage my colleagues to support not only the rule, as reported by the Committee on Rules, but the underlying bill, S. 1287, so we can finally put the public's mind to rest on this critically important issue.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary time.

This is a closed rule which will allow for consideration of the Nuclear Waste Policy Amendments Act of 1999. It is known as S. 1287. As my colleague from Washington has explained, this rule will provide for 1 hour of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. Under this closed rule, no amendments may be offered.

The bill provides for the completion of a permanent site at Yucca Mountain, Nevada, for storing high-level radioactive waste generated from nuclear power plants. Mr. Speaker, lack of this permanent site is one of the greatest long-term problems involving electricity generation in our country and we need to move forward to find a safe, scientifically-based solution.

Unfortunately, this bill does not adequately solve the problem. Moreover, the closed rule will prevent House Members from offering amendments to improve the bill. The Energy Department opposes this bill for a number of reasons. The most serious objection is that it undermines the ability of the Environmental Protection Agency to establish adequate safety standards at Yucca Mountain.

The bill also raises concerns about the safety of transporting radioactive material to the site. The President has indicated he will veto the bill in its present form, and there is no reason for us to take up the bill under a closed rule with no chance to amend the bill when there is no chance that it will be enacted into law unless it is amended.

The problem of nuclear waste disposal is too serious for this kind of politics. I urge defeat of the rule so that we can bring this bill up under the normal amending process.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, I would like to, first of all, begin by thanking my colleague from Washington for the generous consideration of granting me the time to speak in opposition, and I must say strong opposition, to this closed rule.

This is, first and foremost, a matter of fairness. Nevada has not had a voice in this issue, the issue of storing nuclear waste from other facilities, which, by the way, Nevada has never benefitted from any of the power generated. Secondly, we have never had a hearing on this bill, the Senate bill 1287, and, as a result, we have not had an opportunity to have input into this. This is a 1-hour debate today without the opportunity even to offer an amendment to this rule.

The bill itself is fatally flawed. It creates an interim storage facility, Mr. Speaker, which would, in and of itself, require early shipment of nuclear waste to the State without even so much as putting a roof over the material that is going to be stored there. And there is an inadequacy in terms of the fee that is being charged to pay for the storage of that nuclear waste down the road. This is material that has a half-life of 10,000 years. And all of these nuclear facilities which are supposed to pay for this, after they are closed they will not be able to have additional funding and, therefore, the taxpayer will be required to pick up this tab.

Transportation across America is going to occur. We are going to be transporting this material through some of America's most natural wonders. We need an amendment that would have prohibited shipping it past our national conservation areas, through our parks and our national historic preservation areas as well.

This is an issue of States' rights, Mr. Speaker, one which requires a governor's consent. It is up to a governor to help protect the people of his State. This bill fails to do that. Also, Mr. Speaker, there is an issue of the fifth amendment private property rights. A recent court ruling in New Mexico, which held that an individual whose property was devalued simply by the passage of nuclear waste past his property, cost that agency nearly $800,000 in devaluation. This is an issue if we transport this material across America. The taxpayers of this country are going to pick up an enormous tab for the devaluation under the fifth amendment of individual property rights.

Let me also address the issue of an emergency response. This bill does not provide for those States along the corridor where this material is to be transported to have emergency response teams available to them. If there is an accident, first responders would be the local fire, the local police, and State officers. We must ensure that they have adequate funding and an adequately certified response team to deal with this. This bill fails to address that. We needed an amendment to do that.

This bill fails to protect our children. Because, as I said earlier, passage of this material along the corridors of transportation will, by its very nature, take it near our schools and through school zones, therefore endangering the lives of many of our children to needless exposure to radiation.

One of these accidents, of course, could cause the rupture of these casks that house this material as it is being transported. There is no full-scale testing provided in this bill. There needs to be an amendment, and we were denied this amendment, because the cask testing does not meet full-scale testing standards today.

Let me talk about one of the other issues that this bill does. It removes the limitation on the total amount of nuclear waste that can be stored in Yucca Mountain. Mr. Speaker, all of the scientific studies have been premised on the idea that approximately 77,000 tons of this material will be stored in Nevada. This bill strips the cap off of that. That means that all of those studies, those scientific studies that were designed to assure the safety of the storage of this material, are, in effect, inadequate and do not represent the safety designs and standards for the storage of such material.

This bill also allows for a death sentence to those people who are going to work in this area. There is a disagreement between the EPA and the NRC with regard to the radiation standards. The EPA has historically assessed standards to other nuclear waste facilities of 15 millirems and four millirems for groundwater supply. This bill lets the NRC engage in a discussion which would raise the level of that exposure, that millirem exposure to those people working in the area or just in the process of being nearby the storage, to something at the level of 25 millirems and has no identified groundwater standards. These are unacceptable standards and we must ensure that if we are going to be exposed to this, then we should have the same standards as others.

Mr. Speaker, I ask all my colleagues to vote against this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, first, I want to go on record and state that I am adamantly opposed to S. 1287 and its intent to ship over 77,000 tons of nuclear waste across 43 States to be stored at Yucca Mountain, Nevada.

As a Member from Nevada whose district is frighteningly close to Yucca Mountain, and whose 1.2 million constituents live less than 90 miles from Yucca Mountain, it is outrageous to me that the Republican leadership would even consider a closed rule and not allow me or my colleagues to offer my common sense amendments. I represent southern Nevada. This legislation will ship over 77,000 tons of deadly nuclear waste to be permanently stored in Nevada. It will destroy the economy of the State of Nevada and the health of the people living in Nevada.

My amendments are for the express purpose of protecting the health and safety of the people of my district and all the people that live along the transportation routes that the 77,000 tons of lethal waste are to be transported on.

My first amendment would have prevented the transportation of radioactive waste if it would preempt any State health and safety laws or transportation regulations. And may I remind my colleagues that this House has long prided itself on the ability to recognize and respect States' rights. This issue certainly is just as much a State issue as a Federal issue.

My second amendment would have prevented the establishment of a nuclear storage facility if, after sound scientific geologic testing, the facility site was found to be in an active seismic zone, within 10 miles of a potential volcanic eruption, or found to be threatened by migration of groundwater. All of these things have been found scientifically to exist at Yucca Mountain.

My third amendment would have prohibited the transportation of nuclear waste by highway or rail if the route was within five miles of any hospital, school, or college. It is unconscionable that we would risk the safety of our most vulnerable citizens, our children, our elderly, and those confined in a hospital and subject them to the possibility of lethal contamination by nuclear waste.

I urge my colleagues to join me in voting against this unfair, unjust, and unreasonable rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I appreciate the remarks made by the gentleman from Nevada (Mr. GIBBONS). I really think he touched base on a lot of things that are really very important to all of us. It is about safety and it is about protecting our communities. The gentleman talked about a fair process, a process that should have been done and a process that was not, and that process did not allow individuals to give input.

This is a bad rule. This is a bad rule for America; this is a bad rule for our Nation. In a democracy we allow individuals to give input. We did not allow individuals to give input based on what is going to happen in our immediate area.

I state this because this impacts my area in California. This is a route that

goes directly through an area that is going to impact thousands and thousands of people without a specific plan that deals with safety, that deals with regards to what happens in the immediate area.

□ 1130

I am appalled when I think in terms of what may happen if there was a catastrophe in that area where the freeway in that area, which is Freeway 10, there is a lot of trucking that moves in from one area to the other that goes into Las Vegas, if in fact there was a major accident in that area like there was about a month ago where 70 cars were derailed. There is no emergency plan that would deal with nuclear waste, radioactive waste in that area, if it were to spill. How would it affect the people in that area? How would it protect our children in that area?

We recently had a hearing about a month ago in this area. The people of my district rejected this. I believe that we have the responsibility to make sure that we put amendments that have the safeguards, that we put amendments that take care of what needs to be done, that we look at alternatives as we decide.

It is easy to come up here and state, this is nice, this is good that we should do this. But out of sight, out of mind, as long as it does not affect their districts. But it affects my district. And let me tell my colleagues, when you are talking about transferring through the routes of California into Nevada and the effects it could have on many of the individuals, our area is very well populated. California has 34, 35 million people and will continue to use these routes. We have got to look at other alternatives.

It denies the people of my district a voice. I believe the people in my district should have a voice to voice their opinion. I urge everyone to vote no on this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. I would like to congratulate my friend from Washington (Mr. HASTINGS) for his management of this rule, and I would like to say that I believe that we have crafted an extraordinarily fair rule on what clearly will be one the most important environmental votes that we will cast in this Congress.

While more than 20 percent of our Nation's electricity comes from nuclear power, there is not one single safe and isolated location to store nuclear fuel. Consequently, this spent fuel currently sits in the communities where the nuclear power was originally generated.

So if we are talking about a question of safety, the idea of having this waste go to an isolated, safe, secure spot, versus sitting in the back of hospitals around the country, to me it is an absolute no-brainer. The idea of not taking this action poses a very serious environmental public health and safety threat.

By the end of last year, 29 of the Nation's 103 nuclear power plants had exhausted their on-sight storage capacity for spent nuclear fuel with no other long-term storage facilities available at all.

Of all energy sources, nuclear energy has the lowest impact on the environment, including water, land habitat, species, and air resources. Nuclear energy is the most eco-efficient of all energy sources, and it produces the most electricity in relation to its minimal environmental impact.

Nuclear energy is an emission-free energy source. Nuclear power plants produce no controlled air pollutants such as sulfur and particulates or greenhouse gases. The use of nuclear energy in place of other energy sources helps to keep the air clean, preserve the Earth's climate, avoid ground-level ozone formation, and prevent acid rain.

This bill fulfills the commitments given the American taxpayers in 1982 and in 1987, with the enactment and amendment of the Nuclear Waste Policy Act, by removing the bureaucratic and legal roadblocks in the path of building and implementing a permanent nuclear waste repository.

It is time, Mr. Speaker, for the President to tell the American people where he stands on this very important local environmental issue. Moving the Senate bill under a closed rule is the most expeditious way to get this important legislation to the President's desk. And while I have heard people talk about how he plans to veto this measure, I cannot help but look at the past several years and his plan to veto legislation after legislation that we have put forward: the Education Flexibility Act; the National Ballistic Missile Defense Act; the Welfare Reform Act, which he did twice veto, ultimately signed, and today claims as one of his greatest accomplishments.

So I believe that the President can, in fact, take a positive pro-environment move by taking this very well-thought-out measure and having it reported out of both Houses of Congress. I believe that we will be doing the right thing by passing that.

So I urge a ''yes'' vote on the rule, and I urge a strong ''yes'' vote in support of this very, very important pro-environment legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Speaker, this is a bill that only a Republican leadership could love. It is a bill that does precisely nothing. It is, at best, a sham and a fraud. It is a waste of the time of the House of Representatives. Frankly, if my colleagues are opposed to the nuclear waste storage in Nevada, they could probably vote for it in the perfect comfort and the solid assurance that it will do nothing.

This bill stands in the way of real progress in addressing the difficulty of achieving a program of nuclear waste storage. It stands in the way of addressing the problem of billions of dollars of lawsuits which are now pending or will be pending against the Federal Government because of our breach of understandings with the nuclear power industry to take waste off the hands of the electrical utility generators who use nuclear power to generate nuclear power and to create nuclear waste. It is a piece of legislation which will assure that we will not go forward with an interim waste storage. And so utilities all over this country are going to continue to find their storage facilities choking with nuclear waste.

We address virtually none of the problems that confront us with regard to nuclear waste storage. And we create a very interesting exercise. We enhance the probability of lawsuits against the Federal Government in the amount of billions of dollars. We also do something else: we postpone for a far distant time in the future the real settlement and the real addressing of these problems.

This is a bad piece of legislation. The rule should be rejected because it does not even allow the House sufficient time to address the questions that the bill raises. It stands in the way of a piece of bipartisan legislation which came out of the Committee on Commerce by a vote of 40–6. And it does something else. It assures that, far into the future, this problem is going to continue to plague us and meaningful legislation will not be addressed because of this rather shameful and sham-ful exercise today.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule and to the bill itself. Twenty-four amendments were offered at the Committee on Rules meeting yesterday, and 24 were blocked from any consideration on the House floor.

High-level nuclear waste will remain deadly for a million years. But unfortunately, because of this rule, there will not be any alternatives permitted on the floor.

I offered seven of the 24 barred amendments yesterday, all to improve the safety of nuclear waste transportation. My amendments offered significant, but reasonable, protections for

my district and approximately 320 other districts which will see high-level nuclear waste transported through them.

My amendments were critical to protect our constituents from the thousands of shipments of waste through 43 States passing in the vicinity of roughly 50 million Americans.

My amendments were not poison pills. They were common sense approaches to improve the safety of nuclear waste transportation.

The 24 blocked amendments are: the comprehensive transportation safety program, protecting populated communities from transportation, oldest fuel first during transportation, full-scale cask testing, State and local route consultation, private carriers must follow selected routes, advanced notification of shipments. Those seven were all ones that I sponsored.

One sponsored by the gentleman from Nevada (Mr. GIBBONS) included prohibiting an interim storage facility, protecting taxpayers from nuclear waste fees, prohibiting transportation through a national forest or park, State governors must consent to a transport of high-level nuclear waste, compensation of private property is devalued, guaranteeing emergency response capabilities, funding for emergency response teams, prohibiting transportation in school zones, protecting the EPA's authority to set radiation standards, full-scale cask testing, protecting current repository capacity limits, funding for oversight by the State of Nevada and affected local counties. All those were by the gentleman from Nevada (Mr. GIBBONS).

Why are we not protecting our community?

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill is now and has been for the last 15 years nothing more, no less than sticking the nuclear queen of spades with the State of Nevada.

We are deciding it here on the floor of Congress. It is not done scientifically. It is not done through some blue ribbon panel. It is done because they have two Senators and two Congressmen. That is it. The smaller the State's representation is the more likely that they would get stuck with all of the nuclear waste from every nuclear power plant in the United States.

Now, the gentlewoman from Nevada (Ms. BERKLEY) does a fabulous job, and I agree with every single word that she laid out in her brilliant, eye-wateringly detailed statement. She did an excellent job. But that is not what this is about. If it was about safety, then we would not have a bill out here on the floor right now which indemnifies, in other words, it says to the companies which are going to be trucking and railroading this nuclear waste all over America that they have no liability, that is, as these atomic trains and trans-uranic trucks start riding across America, and we are talking about 100,000 shipments of nuclear waste criss-crossing America, now riding the streets of our country after they have been put into the form of spent fuel, the most dangerous form of this fuel at the 120 or so nuclear power plants across our country.

What does this bill say? This bill says that even if the truck company, even if the railroad engaged in negligence, gross negligence, willful misconduct as the truck driver careens, for whatever reason from the night before, whatever activity he might have been engaged in the night before, careens through a neighborhood tipping over the truck, dumping nuclear waste in a neighborhood, no liability for the truck company. None. Zero. Zero for the railroad if they have an accident.

Now, what kind of an incentive is that? If they are driving through our neighborhoods with bread in the back of the truck and it tips over, they are liable. If they are driving through our neighborhoods and it is the milkman, they are liable. But because of their spill, if they are driving through with nuclear waste, no liability.

Now, do my colleagues really want to give that incentive to every truck driver and every railroad engineer carrying these 100,000 shipments of the most dangerous material ever known to mankind through their neighborhoods? And by the way, 50 million people are on the routes that will have to be used in order to move all of this waste to the State of Nevada, without any assurance, by the way, that ultimately Yucca Mountain is going to be suitable for the waste. It just might have to get put back on the trucks and the trains and taken to some other place.

Because ''congressional experts'' is an oxymoron. We are only experts compared to other Congressmen. We are not experts compared to real experts, the scientists. And there has been no scientist who has yet been able to confirm that Yucca Mountain in Nevada is the place where we can bury every bit of nuclear waste for the next 20,000 years. We are just trying to get it off the hands of all the utilities. That is what this is all about. And that is why no liability for the truck drivers.

The Environmental Protection Agency can no longer look at the safety standards. But do my colleagues want to know what they say? Do not worry, an accident cannot happen. Do not worry, this is going to be very safely transported. And so the public kind of scratches their head and says, well, if this can be safely transported, how come they are going to pass a law saying the truck drivers are not liable if an accident takes place?

So this rule, basically, prohibits any amendments from being put in order which can ensure that the health and the safety of all Americans are protected, that there is an opportunity for real debate on this most important of all environmental issues, which is going to be debated on the floor of Congress this year; and, as a result, I have to recommend, reluctantly, that the Members of this body vote ''no'' because this is not the way that we should be dealing with an issue that deals with the most fundamental health and environmental and safety issues that face our country.

□ 1145

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I have no further requests for time. I would just say that we will ask for a vote on the previous question and on the rule. We consider the rule a very closed rule, not a good rule certainly, no amendments, there ought to be amendments offered on this bill. We consider the bill a bad bill. So we hope under the rule and under the bill if the bill comes up that it goes down.

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

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time. I urge Members of the House to vote ''yes'' on the previous question and ''yes'' on the rule.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 219, nays 195, not voting 20, as follows:

[Roll No. 59]

YEAS—219

Aderholt	Burr	DeLay
Archer	Burton	DeMint
Armey	Buyer	Diaz-Balart
Bachus	Callahan	Dickey
Baker	Calvert	Doolittle
Ballenger	Camp	Dreier
Barr	Campbell	Duncan
Barrett (NE)	Canady	Dunn
Bartlett	Cannon	Ehlers
Barton	Castle	Ehrlich
Bass	Chabot	Emerson
Bereuter	Chambliss	English
Biggert	Chenoweth-Hage	Everett
Bilbray	Coble	Fletcher
Bilirakis	Coburn	Foley
Bishop	Collins	Fossella
Bliley	Combest	Fowler
Blunt	Cook	Franks (NJ)
Boehlert	Cooksey	Frelinghuysen
Boehner	Cox	Gallegly
Bonilla	Cubin	Ganske
Bono	Cunningham	Gekas
Brady (TX)	Davis (VA)	Gibbons
Bryant	Deal	Gilchrest

Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
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 (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
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)

NAYS—195

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

NOT VOTING—20

Ackerman
Bateman
Boyd
Crane
Crowley
Davis (IL)
Ewing
Greenwood
Jackson-Lee (TX)
Klink
Lowey
McCollum
McDermott
Pallone
Pombo
Porter
Royce
Rush
Schakowsky
Tierney

□ 1208

Messrs. GEJDENSON, STENHOLM and SHOWS changed their vote from ''yea'' to ''nay.''

Mr. SPENCE and Mr. HILLIARD changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CROWLEY. Madam Speaker, on March 22, 2000, I was unavoidably detained, causing me to miss rollcall vote 59. I ask that the RECORD reflect that had I been present I would have voted ''nay'' on rollcall vote 59.

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

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

RECORDED VOTE

Ms. BERKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 220, noes 191, not voting 23, as follows:

[Roll No. 60]

AYES—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
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 (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—191

Abercrombie
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar

Obey	Sandlin	Thompson (MS)
Olver	Sawyer	Thurman
Ortiz	Scott	Tierney
Pascrell	Serrano	Towns
Payne	Sherman	Traficant
Pelosi	Shows	Turner
Peterson (MN)	Sisisky	Udall (CO)
Phelps	Skelton	Udall (NM)
Pomeroy	Slaughter	Velazquez
Price (NC)	Smith (WA)	Vento
Rahall	Snyder	Visclosky
Rangel	Spratt	Waters
Reyes	Stabenow	Watt (NC)
Rivers	Stark	Waxman
Rodriguez	Stenholm	Weiner
Roemer	Strickland	Wexler
Rothman	Stupak	Weygand
Roybal-Allard	Tanner	Wise
Sabo	Tauscher	Woolsey
Sanchez	Taylor (MS)	Wu
Sanders	Thompson (CA)	Wynn

NOT VOTING—23

Ackerman	Hill (IN)	Owens
Baird	Jackson-Lee	Pallone
Becerra	(TX)	Pombo
Boyd	Klink	Porter
Crane	Lowey	Royce
Davis (IL)	McCollum	Rush
Ewing	McDermott	Salmon
Greenwood	McKeon	Schakowsky

□ 1216

Ms. BROWN of Florida changed her vote from ''no'' to ''aye.''

Stated against:

Mr. BAIRD. Mr. Speaker, during rollcall vote No. 60 on H. Res. 444, I was unavoidably detained. Had I been present, I would have voted ''no.''

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.

Mr. UPTON. Mr. Speaker, pursuant to House Resolution 444, I call up the Senate bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

The Clerk read the title of the Senate bill.

The text of S. 1287 is as follows:

S. 1287

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nuclear Waste Policy Amendments Act of 2000''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''contract holder'' means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

(2) the terms ''Administrator'', ''civilian nuclear power reactor'', ''Commission'', ''Department'', ''disposal'', ''high-level radioactive waste'', ''Indian tribe'', ''repository'', ''reservation'', ''Secretary'', ''spent nuclear fuel'', ''State'', ''storage'', ''Waste Fund'', and ''Yucca Mountain site'' shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

TITLE I—STORAGE AND DISPOSAL

SEC. 101. PROGRAM SCHEDULE.

(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

(b) MILESTONES.—(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

(c) RECEIPT FACILITIES.—(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

SEC. 102. BACKUP STORAGE CAPACITY.

(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1) (A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1) (A) and (B)) to—

(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity report.

SEC. 103. REPOSITORY LICENSING.

(a) ADOPTION OF STANDARDS.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) CONSULTATION AND REPORTS TO CONGRESS.—(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonably expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking ''The Commission decision approving the first such application . . .'' through the period at the end of the sentence.

SEC. 104. NUCLEAR WASTE FEE.

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows: ''The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.''.

SEC. 105. SETTLEMENT AGREEMENTS.

(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

(2) settle any legal claims against the United States arising out of such failure.

(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

(1) provide spent nuclear fuel storage casks to the contract holder;

(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

(3) provide any combination of the foregoing.

(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel

under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

(1) the cost of acquiring and loading spent nuclear fuel casks;

(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91–0054–S–EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.

SEC. 106. ACCEPTANCE SCHEDULE.

(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's ''Acceptance Priority Ranking'' report.

(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tons uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1,300 MTU in year 3, 2,100 MTU in year 4, 3,100 MTU in year 5, 3,300 MTU in years 6, 7, and 8, 3,400 MTU in years 9 through 24, and 3,900 MTU in year 25 and thereafter.

(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors:

Provided, however, That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

(d) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

(e) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

SEC. 107. INITIAL LAND CONVEYANCES.

(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump.

(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, Jointly with Lincoln County.

(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

(c) CONSTRUCTION.—The maps and legal descriptions of special conveyance referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

(e) CONSENT.—(1) The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(2) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

(3) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

TITLE II—TRANSPORTATION

SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

''TRANSPORTATION

''SEC. 180. (a) IN GENERAL.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

''(1) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

''(2) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of title 49, Code of Federal Regulations.

''(b) SHIPPING CONTAINERS.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

''(1) the design of which has been certified by the Commission; and

''(2) that have been determined by the Commission to satisfy its quality assurance requirements.

''(c) NOTIFICATION.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

''(d) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—

''(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

''(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

''(C) TRAINING.—Training under this section—

''(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

''(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

''(iii) shall include—

''(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

''(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

''(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

''(2) NO SHIPMENTS IF NO TRAINING.—

''(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however,* That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

''(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

''(ii) the refusal to accept technical assistance by a State or Indian tribe, or

''(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

''(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however,* That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further,* That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

''(3) GRANTS.—

''(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation Acts.

''(B) GRANTS FOR DEVELOPMENT OF PLANS.—

''(i) IN GENERAL.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

''(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

''(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

''(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

''(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

''(II) the amount requested by the President for implementation; and

''(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

''(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

''(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and

Indian tribes based on plans developed under subparagraph (B); and

''(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

''(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

''(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

''(e) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor States and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

''(f) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

''(g) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

''(h) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

''(i) TRAINING STANDARD.—

''(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

''(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

''(i) a specified minimum number of hours of initial offsite instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

''(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of clauses (i) and (ii).

''(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high-level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

''(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.''.

TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 301. FINDINGS.

(a) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

(c) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

(d) DUTIES.—(1) The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(2) The Associate Director of the Office shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

TITLE IV—GENERAL AND MISCELLANEOUS

SEC. 401. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 402. REPORTS.

(a) The Secretary is directed to report within 90 days from enactment of this Act

regarding all alternatives available to Northern States Power Company and the Federal Government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, assuming existing State and Federal laws remain unchanged.

(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

SEC. 403. SEPARABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 404. FAST FLUX TEST FACILITY.

Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository.

UNFUNDED MANDATES POINT OF ORDER

Mr. GIBBONS. Mr. Speaker, pursuant to section 425 of the Congressional Budget Act and the Impoundment Control Act of 1974, I make a point of order against consideration of S. 1287.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of $50 million annually against State or local governments, or when the committee chairman does not publish, prior to floor consideration, a CBO cost estimate of any unfunded mandate in excess of $50 million annually for State and local entities or in excess of $100 million annually for the private sector.

Section 104 of S. 1287 contains violations of section 425 of the Congressional Budget and Impoundment Control Act.

Therefore, I make a point of order against consideration of this act.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Nevada makes a point of order that the bill violates section 425(a)of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the bill on which he predicates the point of order.

Under section 426(b)(4) of the act, the gentleman from Nevada (Mr. GIBBONS) and a Member opposed each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the act, after that debate the Chair will put the question of consideration of the bill, to wit: ''Will the House consider the bill?''

The gentleman from Nevada (Mr. GIBBONS) will be recognized for 10 minutes, and the gentleman from Washington (Mr. HASTINGS) will be recognized for 10 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, S. 1287 contains violations of section 425 of the Congressional Budget and Impoundment Control Act. More specifically, S. 1287 would effectively stop the flow of revenue into the Nuclear Waste Fund. This is the fund that is responsible for costs associated with the shipment, storage and disposal of commercially generated nuclear waste. Loss of this revenue would leave a multibillion dollar funding gap that must be filled. Loss of this revenue would impose a multibillion dollar unfunded Federal mandate on the American taxpayer.

The May 1995, Department of Energy-sponsored Independent Management and Financial Review concluded, ''The Nuclear Waste Fund is currently defined as inadequate.'' The review panel noted that the Nuclear Waste Fund was between $4 billion and $8 billion underfunded for a single regulatory program, and between $12 billion and $15 billion underfunded for a two-repository program.

S. 1287 shifts the burden of paying the extra costs of a nuclear waste repository program to the American taxpayer by freezing the current mill fee that pays money into the Nuclear Waste Fund. Although this aspect of S. 1287 appeals to the nuclear utilities, it is difficult to justify it to the American taxpayer.

Let us take a quick review of the situation at hand.

The Nuclear Waste Policy Act of 1982 called for disposal of spent nuclear fuel in a deep underground repository. The Nuclear Waste Policy Act set forth two major provisions. First, it established an office in the Department of Energy to develop such a repository; and, secondly, now pay special attention to this, it required the program's civilian costs to be covered by a fee on nuclear-generated electricity.

So here is the situation. The nuclear power industry goes to the Federal Government and says they need help with their nuclear waste. So the nuclear power industry makes a deal in which the Federal Government becomes responsible for transporting, storing, and disposing of nuclear waste. Okay. But who is going to pay for it? The deal essentially says that they, the nuclear power industry, are responsible for picking up the tab. The sad part about this rosy finding and scenario is that, ultimately, your constituents, our constituents, the American taxpayers, will actually be responsible for picking up the tab.

Let me make a quick review of the salient facts associated with the costs of this nuclear waste disposal program. An independent cost assessment of the Nation's high-level nuclear waste program conducted by the Planning Information Corporation, the Thompson Professional Group, and the Decision Research Institute, estimates total system costs at $53.9 billion for fiscal year 1996, about 54.1 percent greater than DOE's estimate in September of 1995.

About $38.5 billion are costs attributable to the disposal of commercial spent nuclear fuel, for which, listen to this, Mr. Speaker, is supposed to be fully recovered from the Nuclear Waste Fund. Full recovery, Mr. Speaker, of $38.5 billion from the Nuclear Waste Fund, is unlikely.

Current estimates put the Nuclear Waste Fund at only $8.9 billion. This balance pales in comparison to the total system costs of almost $54 billion. Those are in 1996 fiscal year dollars.

What is more, the nuclear power industry, the industry, remember, that made the deal with the Federal Government to pay for the nuclear waste disposal program, faces an uncertain economic future. Let me point out just a few of the problems facing this industry, the industry that is supposed to be responsible for paying the costs associated with nuclear waste disposal.

No nuclear power plants have been ordered since 1978. More than 100 reactors have been canceled, including all ordered after 1973. No units are currently under active construction. In fact, the TVA, Tennessee Valley Authority, Watts Bar 1 reactor ordered in 1970 and licensed to operate in 1996 was the last U.S. nuclear unit to be completed.

The nuclear power industry's troubles include a slowdown in the rate of growth of electricity demand, high nuclear power plant construction costs, relatively low costs for competing fuel, public concern about nuclear safety and waste disposal and regulatory compliance costs.

Even more of an immediate concern to the nuclear power industry is the outlook for existing nuclear reactors in a deregulated electrical market. Electric utility restructuring, which is currently underway in several States, could increase the competition faced by existing nuclear plants. High operating costs and the need for costly improvements and equipment replacement has resulted during the past decade in the permanent shutdown of 11 U.S. commercial reactors before the completion of their 40-year license operating period.

Mr. Speaker, the viability of the Nuclear Waste Fund is directly related to the continued viability of the nuclear utility industry. It seems that the economic outlook for both is suspect at best. The vice president of the Nuclear Energy Institute, Mr. Garrish, affirmed the dire strait of fiscal affairs in the Nuclear Waste Fund, the fund that is supposed to pay for the nuclear waste disposal program, is Yucca Mountain.

Mr. Garrish stated, ''The Nuclear Waste Fund was established in 1982 by

the Nuclear Waste Policy Act. That legislation imposed a 1 mill per kilowatt-hour fee on customers who use electricity generated by nuclear power. In return for paying this user fee to the Nuclear Waste Fund, the Federal Government was made responsible by law for the transport, storage and disposal of all commercially generated used nuclear fuel.''

Please note that Mr. Garrish does not say the Federal Government is responsible for paying for the transport and storage or disposal of their nuclear waste, nor does he say that the American taxpayer is responsible for paying for the transport, storage, and disposal of nuclear waste.

That is because he is correct. The American taxpayer is not supposed to fund the program. The program is supposed to be funded by the nuclear energy industry and the ratepayers who purchase and benefit from their electricity.

Let us consider this in order, Mr. Speaker, and review the facts. The total construction costs and operating costs for a repository at Yucca Mountain are close to $54 billion and growing. The nuclear power industry is in dire straits. They are plagued with a slowdown in the rate of growth of electrical demand, high nuclear power plant construction costs, relatively low costs for competing fuels, public concern about nuclear safety and waste disposal and a regulatory compliance cost; and we know that the money being paid into the Nuclear Waste Fund is not used for its intended purpose. What is more, the bill, S. 1287, essentially freezes the mill fee, the mechanism to fund the Nuclear Waste Fund, thus effectively stopping the flow of revenue into the fund. S. 1287 essentially allows the nuclear utilities to be off the hook and sticks the American taxpayer with a burden of paying this $54 billion bill.

Let us get this correct: we are supposed to believe that the American people, our constituents, are supposed to believe that the Nuclear Waste Fund, paid into by the industry, with an uncertain fiscal future, and whose revenue inflows will effectively be frozen by the passage of S. 1287, is supposed to pay for the total construction and the operating costs of Yucca Mountain? I do not think so.

So the Nuclear Waste Fund by itself, Mr. Speaker, is doomed, and there will be no money for the Nuclear Waste Fund coming in the future if the ratepayers are closed out of paying for this with a mill fee, as stated in S. 1287. The Nuclear Waste Fund will become an empty shell, devoid of money. It is pretty simple: you cannot use the money from a fund when there is no money here. So then, ultimately, the taxpayer is responsible for picking up the tab.

Mr. Speaker, my objection to this is that this is an unfunded mandate, and the bill so states.

It takes billions of dollars to construct and operate and maintain a high-level nuclear facility. The nuclear energy industry is responsible for providing this funding. The problem is that the industry is waning in its effectiveness to provide the billions of dollars needed to construct, operate, and maintain a facility in which their spent nuclear fuel will be stored. Sadly, the American taxpayer will be the ones who lose in the end.

The point is crystal clear: S. 1287 shifts the burden of paying the extra costs of a nuclear repository program to the American taxpayer by freezing the current mill fee that pays for the nuclear waste fund. Once the fund is exhausted, the American taxpayers will be responsible for the multibillion dollar price tag.

Mr. Speaker, I urge my colleagues to vote no on this.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason that we are here at this point on the question before the House is whether we should consider this bill. I think, emphatically, yes, we should consider this bill; and accordingly, I urge my colleagues to vote yes on this motion.

The basis of the argument of my friend, the gentleman from Nevada (Mr. GIBBONS), is that this is an unfunded mandate.

□ 1230

We are considering a Senate bill.

I would like to read to my colleagues, Mr. Speaker, a letter to Senator FRANK MURKOWSKI who is the chairman of the Committee on Energy and Natural Resources. The letter is dated June 24, 1999 from Director Dan Crippen of the Congressional Budget Office and he writes specifically on the question of unfunded mandates, and I quote:

''CBO is unsure whether the bill contains intergovernmental mandates as defined by the Unfunded Mandate Reform Act, but we estimated that costs incurred by State, local and tribal governments as a result of the bill would total significantly less,'' and I want to emphasize this point, ''significantly less than the threshold established in the law, which is $50 million adjusted annually for inflation.

''Although this bill would, by itself, establish no new enforceable duties on State, local or tribal governments, shipments of nuclear waste for surface storage at the Yucca Mountain site, as authorized by law, probably would increase the cost to the State of Nevada of complying with existing Federal requirements. CBO cannot determine whether these costs would be considered the direct costs of a mandate as defined by the Unfunded Mandate Reform Act.

''Additional spending by the State would support a number of activities, including emergency communications, emergency response planning and training, inspections, and escort of waste shipments. These costs are similar to those that the State would eventually incur under current law as a result of the permanent repository plan for Yucca Mountain. This bill would, however, authorize DOE to receive and store waste at Yucca Mountain once the NRC has authorized construction of a repository at that site and would set a deadline of December 31, 2006 for NRC to make that decision. This date is about 3 years earlier than DOE expects to begin receiving material at this site under current law.''

So, Mr. Speaker, there are some other safeguards within this act that address some of the costs that may be incurred and that obviously would be incurred by the establishment of this act, but the point is, it falls significantly below the threshold, as pointed out by the Unfunded Mandates Reform Act.

Accordingly, Mr. Speaker, I urge my colleagues to vote ''yes'' on this question of consideration.

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

The SPEAKER pro tempore (Mr. PEASE). The question is, Will the House now consider the Senate bill?

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

Mr. GIBBONS. 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 206, nays 205, not voting 24, as follows:

[Roll No. 61]

YEAS—206

Aderholt	Cooksey	Hastert
Archer	Cox	Hastings (WA)
Armey	Cunningham	Hayes
Bachus	Davis (VA)	Hayworth
Baker	Deal	Herger
Ballenger	DeLay	Hill (MT)
Barr	DeMint	Hilleary
Barrett (NE)	Diaz-Balart	Hobson
Bartlett	Dickey	Hoekstra
Bass	Doolittle	Horn
Bateman	Dreier	Houghton
Bereuter	Duncan	Hulshof
Biggert	Ehlers	Hunter
Bilbray	Ehrlich	Hutchinson
Bilirakis	Emerson	Hyde
Bishop	English	Isakson
Bliley	Everett	Istook
Blunt	Fletcher	Jenkins
Boehlert	Foley	Johnson (CT)
Boehner	Fossella	Jones (NC)
Bonilla	Fowler	Kanjorski
Bono	Frelinghuysen	Kasich
Brady (TX)	Gallegly	Kelly
Bryant	Ganske	King (NY)
Burr	Gejdenson	Knollenberg
Burton	Gekas	Kolbe
Buyer	Gilchrest	LaHood
Callahan	Gillmor	Largent
Calvert	Gilman	Latham
Camp	Goode	LaTourette
Canady	Goodlatte	Lazio
Cannon	Goodling	Leach
Castle	Goss	Lewis (KY)
Chabot	Graham	Linder
Chambliss	Granger	LoBiondo
Coble	Green (WI)	Lucas (OK)
Coburn	Gutknecht	Manzullo
Combest	Hall (TX)	Martinez
Cook	Hansen	McCrery

McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—205

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hefley
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
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
Young (AK)

NOT VOTING—24

Ackerman
Barton
Berry
Boyd
Crane
Dunn
Engel
Ewing
Franks (NJ)
Greenwood
Gutierrez
Hill (IN)
Jackson-Lee (TX)
Kingston
Klink
Lowey
McCollum
McDermott
Moran (VA)
Ose
Pallone
Royce
Rush
Schakowsky

□ 1253

Messrs. PHELPS, BENTSEN, HILLIARD, TALENT and GORDON and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

Messrs. GEJDENSON, HUNTER and GALLEGLY changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 444, the gentleman from Michigan (Mr. UPTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise in strong support of S. 1287, the Nuclear Waste Policy Amendments Act of 2000. Why are we here? We are here today because the Government broke its promise to the American people that it would begin storing the Nation's nuclear waste at Yucca Mountain by 1998, 2 years ago. The administration has still refused to deal in good faith with a bipartisan majority of both Houses of Congress to fix this problem.

Madam Speaker, there are few in this House who have worked as long to find a bipartisan solution to the problem of nuclear waste storage than I. For three consecutive Congresses, I have introduced bipartisan legislation to implement a safe solution to the problem of nuclear waste storage. Yet, despite the overwhelming bipartisan support for these measures throughout the years, we still cannot get the administration to stop saying no, no, no.

Let us review what has happened. In the 105th Congress, the bipartisan majority in the House overwhelmingly approved our nuclear waste bill, but the promise of a veto killed any further consideration in that Congress.

In this Congress, the House Committee on Commerce, by a vote of 40 to 6 reported out my bill, H.R. 45. Yet the administration continues to say, no, we will still veto it.

Just this past month, the Senate with a bipartisan majority passed the bill that we are considering today, S. 1287, bending over backwards to address each and every concern by this administration. Yet the administration still said no.

One of the big issues was interim storage. That cannot be part of the bill. We took it out over there in the Senate. Yet it seems like this legislation is like Charlie Brown and Lucy with a football. No matter what they did, the football kept going up, and they missed the kick. Sadly, it is the American people who continue to fall on their backs because it is they who are at risk with nuclear waste continuing to pile up in their communities.

So why do I come to the floor today in support of S. 1287 instead of my bill, H.R. 45? Well, the hour is late in this legislative year, and I believe it is better to move forward with the Senate bill today rather than face yet another filibuster in the other body and send it to the President in hopes that perhaps he will sign it.

Mr. Speaker, I rise today in support of this bill, which, if passed today and signed by the President, will in fact remove dangerous nuclear waste from communities all across America and deposit this material at Yucca Mountain, a safe and stable storage facility.

But, Madam Speaker, as I stand here today, I want to be clear about what our failure to pass this legislation will mean. By failing to pass this common sense, reasonable, scientifically sound bill, we are allowing the continuous pileup of nuclear waste in our communities, and we are abdicating our stewardship for future generations.

Right now across America, nuclear power plants are being forced to construct temporary facilities to hold nuclear waste, and they are filling up fast. Many of them are just a baseball throw away from your lakes, rivers, schools, and neighborhoods.

This bill moves high-level nuclear waste into one safe place rather than keep it in environmentally sensitive areas. Clearly, there is a need for a permanent facility to store this material.

But in the middle of the Nevada desert, far away from a populated ecosystem, sits Yucca Mountain, which by scientific accounts is a good place to start, a place, by the way, where we have spent $10 billion preparing it for this day.

Independent analysis in government agencies have shown that we are on the right track to have the Yucca Mountain site be safe, and I am here today to urge my colleagues to look at the sound science behind this proposal.

In addition, emotional pleas, mine, others today, some of our colleagues will say that transporting nuclear waste out of our communities is more dangerous than leaving it there. That makes no sense.

Again, I urge my friends to look at the scientific studies. In fact, over the past 30 years, we have had thousands of these shipments. Not a single release of radioactivity in any of those shipments. Asking consumers, through a tax in our utility bills, every single one of our constituents has contributed more than $17 billion to pay for this project.

□ 1300

By asking them to pay their utility bills to take care of this problem at the local level is unfair. Building temporary storage sites at our Nation's nuclear reactors have put taxpayers in double jeopardy. We are already paying the bill to build the storage site in Nevada, and now we are starting to foot the bill for storage sites in our communities.

With each passing day, we are one day closer to a nuclear power plant running out of storage room; we are one day closer to another cement cask being built in one of our constituents' back yards; and, my colleagues, it is yet another day that the Federal Government has not lived up to its responsibilities. I urge my colleagues to vote ''yes'' on this measure. Let us get the stuff into one safe place. This bill begins that process.

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

Mr. DINGELL. Madam Speaker, I yield myself 5 minutes.

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

Mr. DINGELL. Madam Speaker, I begin my comments by paying tribute to my dear friend, the gentleman from Michigan (Mr. UPTON). He is a gentleman and a fine Member. He is also a dear friend of mine, and I grieve to see him placed in a position of handling a turkey like this.

This is one of the most extraordinary examples of legislative bait and switch that I have ever seen. The House Committee on Commerce reported by 40 to 6 a good bill which did all the things that my friend from Michigan was speaking on behalf of. The bill, in a curious process of bait and switch, had a substitute of the Senate bill put in its place last night under a closed rule. No Member will have opportunity to perfect the bill, and the bill does not do any of the things that my good friend from Michigan says it does.

One of the most remarkable things about this is not just that it is legislative bait and switch and that it does not do anything or the false representations, but my poor friend from Michigan is stuck with handling this bill because neither the chairman of the full committee nor the subcommittee have chosen to handle a bill that, quite frankly, stinks.

Now, having said that, let us recognize that we have here a remarkable procedure. Nothing similar to S. 1287 has been considered by any committee of the House. The bill was voted out from the other body last month, held at the desk, and brought to the floor under a closed rule. None of the committees of jurisdiction have consented to this approach. Under the closed rule, all Members are denied the right to offer perfecting amendments to the bill.

I would have offered an amendment today to substitute the text of H.R. 45, sponsored by my able friend and colleague, the gentleman from Michigan (Mr. UPTON). That is a bill which would have done something. It was reported from the Committee on Commerce by a vote of 46 to 0. This puts Members of both parties who support nuclear waste legislation in the position of having to vote against the only bill on this subject that is likely to be brought before the House during this Congress. This is a shame, since the program is in sore need of improvement and a very different bill coming out of the Committee on Commerce during the 105th Congress gathered, as my good friend mentioned, a strong bipartisan vote of 307 to 120.

However, we have been presented now with a take-it-or-leave-it proposition. I urge my colleagues to leave it. This bill is an affront and the procedure is a greater affront to the Members of this body. If any of my colleagues have a utility running out of storage space for its nuclear waste, this bill does nothing to help them, their district, their people, or their utility.

Unlike the House bill, this neither directs the Department of Energy to build an interim storage facility in Nevada nor does it authorize the Department to pay for waste stored at the utility site until it can be taken to Nevada. It also provides no help in moving waste from DOE defense sites located in communities that have done more than their share for the national good.

Second, the bill provides no assurance that the ratepayer money will be used in the nuclear waste program, but it continues to allow it to be diverted to other uses. Nearly $8 billion in taxpayer money has been siphoned off for other purposes; and, without this money, DOE will face funding shortfall in 2003. Unlike the House bill, which would have assured money paid into the nuclear waste fund will stay there, the Senate bill, which we have before us, only assures that the shortfalls will occur when the money is most needed.

Third, the Senate bill does nothing to resolve the litigation questions that plague the DOE program and to ensure that payments for these suits will not drain the nuclear waste fund. These suits amount to billions of dollars, probably $8 or $10 billion at this time, and the number is growing. CBO estimates that there will be $400 million in litigation costs in addition to this between 2000 and 2009 because nothing is done to prevent that from occurring under this legislation.

The bill, in fact, is going to create more lawsuits. And while it fraudulently purports to address the litigation issue, it does not do so until the year 2006 or 2007 and under terms that CBO said were too vague to score. Without an interim storage facility, which this bill does not provide, the utilities' cost and the legal damages, for which the taxpayers are going to probably be liable, will continue to mount.

In short, if Members want nuclear waste to continue to pile up in their district or State, if they want ratepayers to continue to spend money for nothing, if they like lawsuits and want to see more of them, then they should vote for this bill.

We do need a good nuclear waste bill. This is not it. It does more harm than good and, as I have mentioned, it is nothing more or less than bait and switch. It is a sham. It is a fraud upon this body. And we will be sorry if we pass it, because we will delay a resolution to the questions that we should be addressing if the Committee on Rules and the leadership had given us an opportunity to consider these matters under an open rule.

Madam Speaker, I reserve the balance of my time.

Mr. UPTON. Madam Speaker, I yield 7 minutes to the gentleman from Nevada (Mr. GIBBONS), my good friend and, on this issue, a very good adversary.

Mr. GIBBONS. Madam Speaker, I thank the gentleman from Michigan for yielding me this time, and I thank also my other colleague and friend from Michigan for labeling this bill just exactly what it is: A turkey.

Madam Speaker, I rise in strong opposition to this bipartisan bill. It is important that the House of Representatives realize the disastrous impacts S. 1287 would have on the State of Nevada. The issue before us is whether this bill is necessary and whether it is an erroneous waste of time since the Senate has already voted and received enough votes to sustain a promised veto by President Clinton.

This body should not allow short-term political pressure to become serious long-term health and safety problems hundreds of years from now. As Nevadans, we believe that standards based on sound science, along with the protection and welfare of this Nation's citizens, should become our fundamental threshold when we debate this bill today.

Senate bill 1287 will mandate upon the State of Nevada and this Nation the transportation of high-level nuclear waste on a scale unprecedented in history while failing to address the issues of safety and the general well-being of its citizens. The deadliest material ever created, Madam Speaker, would hit the Nation's roads and rails, bringing with it the risk of transportation accidents with the most lethal and toxic proportions.

Many in this chamber have fallen under the false pretense that we have been shipping nuclear waste all along and, if we have done it before, we can do it again. This is a dead wrong assumption. Between 1964 and 1997, there were only 2,913 shipments of used nuclear fuel, which I would like to point out had its share of accidents. Senate bill 1287 would mandate that over 100,000 shipments of high-level nuclear waste over the next 30 years be sent to Nevada. This is a 4,350 percent increase in just the number of shipments alone.

To understand the seriousness of the accidents, consider an analysis done by

the Department of Energy on the repercussions of a rural transportation accident. The study, part of a 1986 environmental assessment for Yucca Mountain, warns that a serious accident would contaminate 42 square miles and require 462 days to clean up at a cost to the American taxpayer of $620 million. That was from the Department of Energy.

Does it make sense for anyone to take these unnecessary chances, especially if the accident happened in their district? Realize that over 50 million people live within one mile of the transportation corridors selected for this nuclear material, and these will be our voters and our constituents.

Not surprisingly, Senate bill 1287 fails to use best available science when developing shipping casks. The bill defies logic and does not even require real full-scale testing of nuclear waste shipping containers. So let us get this straight. There will be a 4,350 percent increase in deadly nuclear waste shipments, it will cost $620 million to clean up an accident, and the bill does not even require full-scale testing of the nuclear shipping containers.

For many years, I, and many other Members who oppose this legislation, have urged the debate to be governed by two principles: First, that all decisions with regard to storage of dangerous high-level nuclear waste be made according to science, not politics; and, second, that the health and safety of Americans always be paramount in our concern.

Unfortunately, 1287 blatantly ignores these two principles. It includes provisions that shift responsibility for developing standards for acceptable levels of human radiation exposure from the Environmental Protection Agency, which has lawful jurisdiction over setting such standards, to the Nuclear Regulatory Commission.

The NRC has virtually no experience in either protecting the civilian population from health risks or in determining the impact of radiation on natural resources, such as groundwater. In fact, NRC's proposed Yucca Mountain standards include no radiation standards for groundwater contamination, even though nearby communities rely heavily on groundwater for their drinking water supply.

Senate bill 1287 also mandates an unrealistic and unnecessary timetable for shipping nuclear waste to Yucca Mountain. The bill also proposes a costly temporary storage facility, which is conveniently called in the bill a backup storage facility, and will be in place well before science dictates whether or not Yucca Mountain should be licensed as a repository.

Moreover, Madam Speaker, the bill's language is crafted to protect the nuclear industry from angry customers because it essentially caps the rate charged to utility customers who use nuclear electricity. Unfortunately, there is not enough money generated by the nuclear electric customers to finance the nuclear waste trust fund, which was created to ship the waste and construct, operate and maintain a high-level nuclear repository for 10,000 years. Therefore, the hardworking American taxpayer will soon be footing the bill for this multibillion dollar bill. Again I say to all my colleagues, these are our constituents.

As we know, there are ongoing studies at Yucca Mountain to determine if it is suitable to become a permanent repository. All of these studies work within certain parameters to determine issues such as safety. Senate bill 1287 ignores these parameters and deletes the metric ton limit currently placed on Yucca Mountain. This last-minute change would disqualify the ongoing scientific studies at the site and would be similar to placing a dump truck load of sand into a wheelbarrow.

Finally, let us look at the facts and the Earth science surrounding Yucca Mountain. In the last 20 to 30 years, there have been over 634 earthquakes, and 13 of those earthquakes have occurred in the last 30 days. We could not site, license or construct a nuclear power plant on the site where this nuclear waste facility is to be constructed. It is not safe. And I ask my friends and colleagues in this body to vote against this untimely and unfortunate measure.

Mr. DINGELL. Madam Speaker, I yield 4½ minutes to the distinguished gentleman from Virginia (Mr. BOUCHER), the ranking member of the subcommittee.

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Michigan for yielding me this time. It is with a strong sense of regret that I rise in opposition to S. 1287.

I recently became the ranking member of the Subcommittee on Energy and Power of the House Committee on Commerce. The Subcommittee on Energy and Power has a long tradition of working on a bipartisan basis to address our Nation's energy security in a manner that is both serious and thoughtful. Whether under the chairmanship of Phil Sharp or Dan Schaefer, we have always tried to put the interest of our Nation ahead of the allure of partisan advantage. That tradition is being upheld today in a truly excellent fashion by our current subcommittee chairman, the gentleman from Texas (Mr. BARTON), and the process of creating sound energy policy is advanced by it.

Nowhere has that bipartisan spirit been more in evidence than in our efforts to solve our Nation's nuclear waste problems.

□ 1315

In each of the last three Congresses, Republicans and Democrats representing a broad array of political viewpoints have banded together to draft nuclear waste legislation; and the result has been that these bills have been approved by the House Committee on Commerce by overwhelming margins each time, including a victory just this past May of 40 votes in favor to only six votes opposed.

That type of bipartisan work led to a clear and convincing victory in the last Congress when the nuclear waste legislation reported by the House Committee on Commerce was approved in this House by a veto-proof majority of 307–120.

Unfortunately, the bill that we are considering today flies in the face of what we did just 2 years ago. Let me quickly highlight some of the many differences between what the Members accomplished 2 years ago and what they are being presented this afternoon.

The central element of the bill passed by the House 2 years ago was the construction of an interim storage facility so that waste could be moved from their States to Yucca Mountain beginning in the year 2002.

The bill currently before us does not authorize construction of that vitally needed interim storage facility. It seems to require DOE to begin receiving waste at the site 18 months after the NRC grants a license to construct the repository sometime around the year 2006. However, this is not a schedule that the Department can meet even under the best of circumstances. And for reasons I will lay out in a minute, DOE is not likely to be operating in a best-case scenario.

Now, some proponents point to a provision of section 102 of the bill that authorizes something called backup storage capacity as somehow being similar to interim storage, but that is simply not accurate. The provisions of section 102 are so narrowly focused that only two utilities, if any, could benefit from the provisions of that section.

Another central tenet of the bill that was passed in the 105th Congress, as well as the bill reported this year by the House Committee on Commerce, is that all of the money ratepayers pay into the nuclear waste fund must be used exclusively for the nuclear waste program. Ratepayers have paid more than $11 billion into the waste fund to date, and only a fraction of that money has been spent on the waste programs.

Not only is that wrong as a matter of principle, but without rectifying the funding situation, DOE will not be able to open a repository in 2010, let alone in the year 2006, clearly in not a best-case situation.

There are many other differences between this bill and the bill we passed in the last Congress. But let me point to just one final crucial point of departure. This bill contains language that would tie our ability to transport waste to Nevada in knots.

Madam Speaker, this legislation is clearly not well crafted. It will not further the policy of objectives that we sought to achieve in the House on a bipartisan basis. And I am deeply concerned that the actions we are taking today, for no apparent positive purpose, may do irrevocable damage to our

chances of ever enacting the nuclear waste legislation that is so vitally needed.

So more in sorrow today than in anger, and as a long-time supporter of nuclear waste legislation, I urge my colleagues to join with me in voting no on this measure.

Mr. UPTON. Madam Speaker, I yield myself 30 seconds just to respond.

Madam Speaker, I appreciated the leadership of both the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER). They were terrific as we moved H.R. 45, as well as were other members of the committee.

But the major change between the two bills is the interim storage facility. It was the administration that sent us that letter and said, we will veto the bill unless you take that provision out. We took their word for it, and yet they still were not there. It really was Lucy and the football. We did what they asked. The Democratic administration refused to play ball. And here we are today.

Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the Committee on Commerce and a viable Member on this issue.

Mr. NORWOOD. Madam Speaker, I rise reluctantly to oppose my friend, the gentleman from Nevada (Mr. GIBBONS). But I do admire a worthy opponent, and he most assuredly has been that.

I also find it very interesting that I rise and agree with both of the gentlemen from Michigan. The senior Member from Michigan, my good turkey-hunting buddy, has called this bill a turkey; and he and I both know that the turkey is a noble bird. We both know that had it been left to Ben Franklin, of course, that would be one of our national symbols.

So we are ending up with a bill that does not really suit any of us on the Committee on Commerce. We would much rather have our bill. And I am going to support this bill not because I think it is a perfect bill. It is far from that. There are many aspects of this bill that I would certainly like to see changed. I am particularly disappointed that there are no interim storage or take-title provisions, among other things. But, in short, this is a seriously watered down bill.

Now, I support this bill because I am sick and tired of the President playing games with this important issue; and I, for one, am ready to call his bluff. He says he wants to support responsible management of our nuclear waste. Yet every single time, every single time we have made a concession and moved his way, he says it is not good enough and wants more. It has happened every time. It is a classic case of moving the goal post.

It is, obviously, that he does not want a bill to sign. He wants to play politics with this issue like he does with many other issues. We have haggled over and over on the details of this legislation for years now. The only remaining question is whether or not the President will honor a Federal responsibility to store this waste at one site instead of dozens of sites all across the country.

It is my guess that he will not. Since passage of the Nuclear Waste Passage Act of 1982, ratepayers have committed $17.5 billion, and $573 million of those came from Georgia, into the nuclear waste fund for the purpose of building a permanent home for spent nuclear waste. The original deadline was 1998.

The only reason in the world that we do not have a law and a good law that came out of the House and came out of the Committee on Commerce is that the President of the United States is playing politics with hazardous nuclear waste. It is just that simple.

So I say to both of my friends from Michigan, we are doing the best we can do in view of the fact that we have had an administration that did not recognize the great bill that came out of the Committee on Commerce. Now let us see if he will honor his word and sign a watered down bill.

Mr. DINGELL. Madam Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, I thank the gentleman from Michigan (Mr. DINGELL), my distinguished ranking member, for yielding me the time to speak on this important issue.

Madam Speaker, I rise in opposition to this legislation. We must stop attempting to pass a nuclear waste bill merely to say we have passed a bill. This is high-level nuclear waste we are talking about sweeping under the rug here, not just household dust; and it must be treated accordingly.

As we all know, one of the more important issues we face at the beginning of the 21st century is how to dispose of our spent nuclear fuel. Solving this issue is essential to the future environmental health and safety of this country.

Unlike some, I am not unequivocally opposed to storing the fuel in one safe centralized location. Unfortunately, this bill does not accomplish this very important goal.

This bill will allow Yucca Mountain to be used as a default temporary storage facility because we will not be able to do the adequate testing to first determine its true viability as a permanent storage facility.

I visited Yucca Mountain last year, and I toured the site. I was very encouraged about the progress that was being made towards certification as a permanent site. But we cannot rush this testing. We cannot move up the water seepage test or the heat test or any of the other tests. Instead, what we are trying to do is take this action before the study is completed. This is dangerous and this is ill-advised.

I asked the scientists when I was there where the temporary storage would be until it was certified; and they said, well, they could put it over there or they could put it over there, whatever they decide. I do not think this is sound nuclear policy.

I am equally troubled by the dangerous potential for accident during transportation of the fuel through dangerous mountain passes and heavily populated urban areas, both of which we have in my State.

In 1984, in this overpass in Denver, Colorado, we narrowly survived a brush with disaster from deadly cargo when a tractor trailer carrying a torpedo rolled over right here in the Mousetrap in central Denver and endangered millions of people in the metropolitan area. Luckily, the torpedo did not explode. But it shut down the entire city of Denver for an entire day.

Imagine if we do not have local involvement in these transportation decisions what high-level nuclear waste will do.

Madam Speaker, rushing to pass a very flawed bill is not smart public policy. Rather, it is a political act to force the President to once again veto a bad bill. Let us do the science. Let us do the science right. Let us survey a site. Let us have involvement from local transportation officials, and let us have smart transportation routes before we go anywhere.

Madam Speaker, like my colleagues, I believe that we should vote down this turkey, as my distinguished ranking member says, and go back to the drawing board.

Mr. UPTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, we have been at this for about 18 years. That is when we passed the first nuclear waste bill. And we kind of set it up like a legit process. We were going to send out all these scientists, and they were going to try to find the best sites in America to characterize in order to take all of this nuclear waste for the rest of eternity or 20,000 years, whichever came first, which is quite a scientific task.

Then we reached 1987 and all of the scientists figured out that maybe we could put it in Washington State. But at that point the majority whip was from Washington State, so he said, I do not want it in Washington. And then the next one on the list was Texas. But the Speaker at the time came from Texas, so he said he did not want it. And then Louisiana. But the Senate energy committee chairman came from Louisiana, so that one was off. Then we had Mississippi. And we know who represents Mississippi. That one was off.

So it came down to handing over the nuclear queen of spades to Nevada, picked by this incredibly distinguished group of scientists here on the House floor, notwithstanding the fact that there is an earthquake fault about 100 miles away from the site.

Now we come back 13 years later, and we are about to say that we are going

to authorize 100,000 truckloads of nuclear waste to start heading toward Nevada, kind of mobile Chernobyls out on the street heading towards Nevada.

Have my colleagues ever noticed that, in any of these prison movies, they never break out of prison; it is usually when they put them on trains or trucks that they figure out how to break out of the train or the truck, the fugitive. Well, we have to think of these like loose nukes out on the streets of America.

Maybe a driver that went out last night and had a little toot, unfortunately now careening through our neighborhoods, 50 million people's homes are going to be driven by with this nuclear waste. And this bill says that, believe it or not, if the driver engages in gross negligence, willful negligence, that the trucking company is not liable.

Just think of the disincentive that that would create for a truck driver to get a good night's sleep the night before and not to have that little extra beer before they close up the joint at 2 in the morning and then they careen these trucks right through our neighborhoods. Well, this bill does not allow us to build in any safeguards, any liability for the trucking or for the railroad firms.

In addition, we used to have Elliott Ness and Al Capone. Well, we call these contractors now the untouchables. Cannot get them. It is bad precedent. We would not do it for any other part of American commerce if they were trucking or a railroad. But, in this bill, they do so.

This bill must be defeated. I urge a very strong ''no.''

□ 1330

Mr. UPTON. Madam Speaker, I yield 4½ minutes to the gentleman from the great State of Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Madam Speaker, I rise in support of this bill, and I commend the gentleman from Michigan (Mr. UPTON) as well as the Committee on Commerce's efforts in pressing for responsible nuclear waste legislation.

It is high time we took the bull by the horns and dealt honestly and professionally with the issue of nuclear waste.

We might ask why, why is this piece of legislation needed now? The answer, Madam Speaker, is very simple. We rely on civilian nuclear power plants for almost one quarter, let me repeat that, almost one quarter of our Nation's electric power supply.

Last year, our 103 nuclear power plants, which is down from a few years back, were more productive than ever before by producing safe, reliable, inexpensive electricity, more than ever before.

Nuclear power is one piece, and by no means, a small piece. It is a part of the engine that drives the American economy. We cannot afford to be small-minded and throw up our hands and walk away from this issue; something must be done.

The thousands of tons of radioactive fuel currently sitting in spent fuel pools across this Nation cannot sit there forever. The United States Government made a commitment to the Nation's nuclear utilities and to its people, a commitment that it would build a repository and begin receiving spent fuel in 1998, a responsibility under law passed in this very Chamber. That deadline is well passed, and a most optimistic estimate for what the Department of Energy now says to begin taking shipments would be the year 2010.

The failure by the administration and DOE to live up to its responsibilities is now forcing the nuclear industry to expend considerable sums of money to construct additional storage. This after those same utilities have kicked in over $12 billion to the Federal coffers for the expressed purpose of constructing a geologic repository.

It is very clear that something must be done, and S. 1287 is a step in the right direction. We have to face reality, the reality of the Clinton administration's lack of leadership with respect to nuclear power and nuclear waste, the reality of opposition by the Nevada delegation in the Senate, and, most importantly, the reality that we, as a Nation, desperately need a repository. And Yucca Mountain is the best place in this country for it to be built.

The amendments to the 1982 act found in this bill will get us back on track by setting up a mechanism through which the costly legal battles between the utilities and the Government are resolved. It sets out the necessary milestones to be met and provides for early receipt of Yucca Mountain spent fuel or spent fuel for Yucca Mountain, potentially as early as 2006.

It is a vital step, Madam Speaker, for those plants with limited existing storage capacity. It ensures that transport of the depleted fuel is done safely along the lines established for the Waste Isolation Plant.

Let me assure you that the transport of spent fuel along the Nation's highways and railways is safe. With over 3,000 shipments since 1964, and shipping casks that can withstand the impact of a speeding locomotive, we certainly know how to safely ship radioactive waste. And S. 1287 leaves the setting of radiation standards up to the EPA and ensures that EPA is aided in its decision by the formidable scientists and engineers at the National Academy and the Nuclear Regulatory Commission.

We need to allow sound science to guide us here and remove the setting of radiation standards from the political arena.

Madam Speaker, Yucca Mountain is perhaps the safest place in the world to store spent nuclear fuel. S. 1287 protects the citizens of Nevada and protects those living near the plants and along the transport routes. The administration has been irresponsible in its failure to live up to its obligations. S. 1287 gets it back on the path to a permanent solution for our Nation's nuclear waste.

Madam Speaker, we need to send to the President S. 1287, and he should sign it. I urge and I vote for this bill.

Mr. DINGELL. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I thank the distinguished gentleman from Michigan (Mr. DINGELL) for yielding me the time.

Madam Speaker, at the close of debate I will offer a motion to commit S. 1287 to committee. I oppose S. 1287 because it would irresponsibly ship nuclear wastes to Yucca Mountain, a location that scientific evidence has established cannot safely contain the massive heat and radioactivity generated by 100,000 tons of high-level nuclear waste.

After more than 15 years of study, it is clear that Yucca Mountain is not what Congress had in mind when it set high standards for finding a nuclear waste disposal site. A nuclear waste site must be free of groundwater contamination for many, many centuries to come; but Yucca Mountain is now known to be at high risk for water contamination that will speed the release of radioactivity into the water supplies over a vast area of the Nevada desert.

A nuclear waste site must be free of earthquakes, but Yucca Mountain is in one of the more active earthquake zones in the country. It has been shaken repeatedly, even over the past year, by severe earthquake jolts. And a nuclear waste site must be free of volcanic activity, but scientific findings show that Yucca Mountain is subject to potential eruptions deep within the earth that could cause a catastrophe of unimaginable proportions.

I offer this damaging assessment of Yucca Mountain as a backdrop to the many flaws identified with S. 1287. Bills like S. 1287 only exist because they offer a political, not a scientific, approach to the Nation nuclear waste problem.

S. 1287 is the latest ploy in a long line of actions that have been taken to undermine the tough standards for a nuclear repository that Congress established 18 years ago. S. 1287 constrains the Environmental Protection Agency from implementing their final rule for radiation standards, at the same time this bill opens up the door to making radiation standards a political exercise in the hope that a new administration would shift its policies away from strong radiation standards towards more lax limits on radiation exposure.

S. 1287 also takes a dangerous and arbitrary position by mandating that high-level nuclear waste would be shipped to Nevada beginning in the year 2006, years before testing and construction at Yucca Mountain could possibly be completed.

There is absolutely no logic to sending high-level nuclear wastes to Nevada, the most dangerous substance known to mankind, to a place that it is not safe to begin with and certainly would not be ready to safely accept this toxic garbage.

It is an outrage that the Republican leadership is even considering this legislation. Common sense should dictate that in the light of a promised presidential veto and the ability for the Senate to sustain that veto, that we waste not one more moment of our precious time with this issue.

Let us focus our time and energy on fighting for prescription medication for our seniors, a Patients' Bill of Rights, finding ways to protect Social Security and Medicare, and other important issues confronting this great Nation.

Mr. UPTON. Madam Speaker, I yield 5 minutes to my friend, the gentleman from Texas (Mr. BARTON), a member of the Committee on Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I rise in opposition to the pending legislation before the Congress. I am the chairman of the Subcommittee on Energy and Power that has jurisdiction over this issue. I have held numerous hearings on this issue. I have been in Nevada several times on this issue. I have met with State officials, local officials, and county officials in Nevada on this issue; I have met with the Nevada delegation on this issue. And I want a solution to the problem. I do not believe that there are any Members more committed to a long-term solution to our nuclear waste disposal issue than I am. Having said that, I think the Clinton administration has been absolutely opposed to any reasonable approach to this for 8 years. It appears they are going to succeed in stonewalling a solution in the next year.

I think the world needs to know that since 1998, Federal law requires that the Federal Government take title and take responsibility for the nuclear waste that is in existence from our civilian reactors. The Clinton administration has not done so. They are in violation of Federal law. They are subject as we stand on the House floor to billions of dollars of penalties.

Having said that, if we are going to pass legislation, I think what we ought to do is solve the problem. I give Senator MURKOWSKI all the credit in the world in the Senate for trying to craft a political compromise that might not be subject to a presidential veto. He tried very hard. Unfortunately, he was not successful and in so trying to reach that compromise, he watered down the bill so much that it solves none of the major policy issues that need to be solved.

Let us go through those. Number one, we actually have to have the funding to build the repository. We have put about $15 billion into the nuclear waste fund since 1982. There is still in the neighborhood of $10 billion in the fund. The House bill with the support of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. HALL) and the gentleman from Virginia (Mr. BOUCHER), the leadership on our side, the gentleman from Virginia (Mr. BLILEY) and myself, we solved it. We free up the nuclear waste fund to be used to build and operate the nuclear waste depository. The Senate bill does nothing on that, so you are not going to fund the program. You cannot build a depository with $400 million a year. The Senate bill is fatally flawed on that one issue alone.

What about interim storage? Again since 1998 we are in violation of Federal law. The House bill does two things. It actually funds the building of an interim storage facility that takes the waste beginning in 2003. It also incorporates the Secretary of Energy's recommendation on the take-title option in place. The Senate does neither of those. It strips out the take-title option, and again it has no funding to build an interim storage facility. It has something called early acceptance in 2007 which again will never happen because the funding is not there. So it fails on the interim storage front.

What about the radiation standard? The House again responsibly sets a responsible radiation standard. We put the Nuclear Regulatory Commission in charge of that standard. The Environmental Protection Agency has been sitting on their hands for 18 years claiming vaguely some sort of jurisdiction but doing nothing about it. The House takes the responsible position. The Senate tries but what they basically do is prevent the EPA from issuing a standard for 18 months which punts the issue into the next administration, so the Senate bill fails on that.

What about the transportation issue that the gentlewoman from Colorado spoke about? The House has a very responsible transportation plan that the gentleman from Michigan (Mr. UPTON) and the gentleman from New York (Mr. TOWNS) have worked on in past Congresses. The Senate sets up a cumbersome mechanical process, requires 3 years of specific training by the Federal Government in each State, which is I think inviting endless litigation and appeals by the State governors. I would have to say the Senate fails on that issue.

So if we look at it on policy issues alone, I do not believe one independent, informed observer who has followed the issue for the past 15 years would say the Senate bill solves the problem. In fact, I would say just the opposite. They would say the House has acted responsibly, has a solution that would work. The Senate in trying to craft a compromise that the President might accept had to so back away, in my opinion, that the Senate bill even if the President were to sign the bill, which he says he will not, does not solve the problem. So the responsible policy vote in my opinion is a no vote on the Senate bill.

I want to commend the House leadership for trying to bring the issue to the floor. I believe that they have tried to act in what they think is the best interest of the House, but they have not put the best policy option on the floor. We should reject this, bring up the House bill, then try to go to conference with the Senate.

I reluctantly rise in opposition to S. 1287. I certainly agree with bill supporters that our Nation needs a comprehensive nuclear waste solution. But this legislation does not go far enough to address the critical issues that would actually get spent nuclear fuel out of our communities and where it needs to go, and in proper time.

Probably everyone who votes yes today would also vote in favor of H.R. 45, the Nuclear Waste Policy Act of 1999. In fact, the House bill would receive even more support, likely constructing a bipartisan veto-proof margin of more than 290 votes. On April 21 of last year, for example, the House Commerce Committee passed H.R. 45 on a bipartisan vote of 40 to 6. I thank Chairman TOM BLILEY, Ranking Member JOHN DINGELL, and my other committee colleagues for their work across both sides of the aisle.

On February 10 of this year, the Senate passed this legislation, S. 1287, by a vote of 64 to 34. I applaud the Members of the other body, particularly Senate Energy Committee Chairman FRANK MURKOWSKI, for their efforts to get a strong vote. The Senate took a different approach in its efforts to find a comprehensive solution, and came close to a two-thirds vote, but the Senate vote at least makes clear that a significant majority in Congress supports nuclear waste legislation.

The current administration, however, flaunts the bipartisan will of the Congress with a series of irresponsible veto threats and coalition-breaking efforts. When the Commerce Committee passed H.R. 45 by that overwhelming 40 to 6 vote, the administration chose not to work with us—instead it said it would veto our bill. When the Senate neared the magic 67 votes necessary to override, the only contributions from the White House were a moving of the goalposts and, yes, more veto threats.

I applaud Speaker HASTERT and the Republican leadership fro their continued support of nuclear waste legislation. I understand the constraints on time here and in the Senate that permit us to consider only the Senate bill, without amendment. I do not question the intent in scheduling this bill for floor consideration.

I only wish President Clinton and Energy Secretary Richardson offered a genuine willingness to work with the Congress in a House-Senate conference committee. Instead, this administration continues to stonewall progress toward a real solution and even obstruct our own efforts to find a compromise. Three times Federal courts have ruled that the administration is violating Federal law by ignoring its legal duty to begin acceptance of spent fuel in 1998. Despite these rulings, over the past 8 years the administration has never once offered a solution to the nuclear waste disposal problem. Instead, the administration has focused its energies on obstructing reasonable congressional solutions. Perhaps a real solution will have to wait for a future administration.

When we face an administration so completely uncooperative, we should not lower our sights and pursue the lesser bill. The House bill, H.R. 45, would provide for a safe and licensed interim storage facility while the permanent site is completed and tested. H.R. 45 would move the Nuclear Waste Fund off-budget, a crucial step to ensure funding for the completion of the work at the depository. Our funding solution ensures that the ratepayers, in return for the $15 billion they have already paid to the Nuclear Waste Fund, get the repository that the Federal Government promised to them. If we do not fix the funding arrangement, the general taxpayers will eventually get stuck with the costs of nuclear waste disposal. Even Secretary Richardson testified that the permanent repository program faces a serious funding shortfall in the coming fiscal years.

H.R. 45 provides a safe and efficient intermodal transportation to the Yucca Mountain site, avoiding shipments through Las Vegas. H.R. 45 requires the Nuclear Regulatory Commission to issue a radiation protection standard, finally placing that rulemaking in the proper hands. By requiring a cessation of lawsuits after performance by the Department of Energy, H.R. 45 would instill incentives for utilities to settle outstanding cases and get the waste on its way to the repository. Finally, the schedules in H.R. 45 are realistic and achievable in large part because it provides a secure source of adequate funding for the entire program. By contract, the schedules in the Senate bill (2007 for early acceptance, 2010 for the permanent repository) will never happen without sufficient funding to meet those deadlines.

Looking forward, this administration claims to support nuclear energy, yet it refuses to take the number one step to regain the nuclear power option. Much is said about our dependence upon foreign oil, yet this administration continually tries to find new ways to use the Clean Air Act and other laws to block domestic fossil fuel development. If we solve the nuclear waste problem, we remove the major impediment to constructing new nuclear power plants and at the same time can provide the Nation with a zero-emission source of power.

While the debate on nuclear power's future is for another cay, our current situation cannot be ignored. Spent nuclear fuel continues to accumulate at reactor sites around the country, and the financial liability against the Federal Government grows larger every day. But let no one doubt the readiness of my Energy and Power Subcommittee, the Commerce Committee, the House of Representatives, or the U.S. Congress to address the nuclear waste issue responsibly and on a bipartisan basis.

I promise all of my colleagues that I will return here to stand on the floor in support of comprehensive nuclear waste legislation when we can make good public law. Unfortunately, that will have to wait for a day when we have the votes in both Chambers to override a Presidential veto in both Houses, or better yet when we have a President who will work in good faith with a bipartisan Congress to solve this vital issue.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BACA).

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

Mr. BACA. Madam Speaker, first of all I want to recognize the gentleman from Michigan (Mr. DINGELL) for his efforts and the gentlewoman from Nevada (Ms. BERKLEY) for fighting very hard on an important issue that is impacting not only their districts but the districts throughout the Nation. I commend them for their effort in bringing this awareness to a lot of us. All of us care about legislation. We care about good legislation. This is not good legislation. It should not be done just for the sake of creating legislation and having a nuclear waste dump in Yucca Mountain. It should be legislation that is positive, legislation that has taken in every safeguard. It should have allowed the input. It did not allow the input. We have many people that are going to be affected. This is a bad bill, especially for my district and Members from Southern California.

This bill does not accurately address the serious issues of highly radioactive nuclear waste being shipped to Nevada. Currently it is estimated that transportation of spent fuel to Yucca Mountain will involve over 100,000 shipments by trucks and trains.

□ 1345

Can we imagine 100,000 shipment of roads and highways and rails through at least 43 States over the next 30 years? Can we imagine if there was a derailment in the area? I know that in California not too long ago we had a derailment in that immediate area with an explosion that affected many individuals. We recently had some of the trucking industry that had a derailment in that area that had the trucks and traffic that was delayed for some period of time.

Can we imagine how many people would be affected in that area without a safety plan, without an emergency plan? It is important that we also know that the Americans and individuals are informed as to what are the safety precautions if, in fact, something was to happen.

Many individuals utilize our freeways and our highways. If, in fact, they could not get to work, what alternate plans or routes would be there? How would we be working with the communities in the area with the fire chiefs, with the police department, with the emergency response team, to notify them of this shipment?

We need to begin to address this issue. It is important for all of us to make sure that we protect our children, we protect our communities but that we do have good legislation that impacts us not to have legislation for the sake of putting legislation before us.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Madam Speaker, let me thank our ranking member, the gentleman from Michigan (Mr. DINGELL), for his leadership on this issue.

Madam Speaker, I rise in opposition to the Nuclear Waste Policy Amendments Act. This bill promotes bad environmental and health policy and it does not allow the EPA to issue public health and safety standards for waste storage in Yucca Valley.

In addition, it does not authorize the Department of Energy to build interim storage facilities or take responsibility for utility waste storage on-site. This process that we are using to consider this bill is a perfect example, Madam Speaker, of how partisan politics have degraded the legislative process. Rather than to bring the House version of the bill to this body, we are considering a Senate measure which does not even garner enough votes to override a veto.

Moreover, we are not being given the opportunity to offer amendments that might bring about some level of bipartisan compromise on this issue.

There are at least 8 amendments that have been offered as a means to strengthen S. 1287. I am a cosponsor of one such amendment which promotes fiscal responsibility. My amendment allows utilities to invest the surcharge nuclear utilities pay to the Department of Energy. Interest earned on this investment would be used to fund on-site storage.

The Department of Energy's obligation to store the waste until a permanent facility is completed is met, and taxpayers' money is saved. My amendment further would create an incentive to speed up the development of a permanent facility.

Madam Speaker, I am dismayed at the fact that my colleagues and I are not able to present our amendments, which would bring about needed reform in nuclear waste disposal. I urge then all of my colleagues on both sides of the aisle to oppose this measure.

Mr. UPTON. Madam Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT), my friend and a leader on this issue.

Mr. GUTKNECHT. Madam Speaker, I thank the gentleman from Michigan (Mr. UPTON) for yielding me the time.

Madam Speaker, I am not an expert on this issue but I do know a little bit about it; and if we look back at history, this all started back in the 1950s when the Federal Government made an agreement with the utilities industry and said they will build these nuclear power plants which we believe to be a peaceful way to use nuclear energy, we will take responsibility for the spent fuel. That was the 1950s, and that was the policy under which a lot of these plants were built.

I do not know why we are here, to be honest. We passed back in 1982 a bill which said, yes, in fact, the Federal Government would take possession of spent nuclear fuel beginning on January 31, 1998.

Why are we here? I think we have been clear all along, Federal policy has been that the Federal Government

would take responsibility for spent nuclear fuel. In return for that, ratepayers have paid over $13 billion in additional fees that were supposed to go to help develop a nuclear spent fuel repository. That money has been collected. Ratepayers in my region have paid over a billion dollars, and yet we are still arguing here on the House Floor whether or not the Federal Government is going to be responsible for this spent fuel.

There is no question the Federal Government is responsible. We should not have to even be here passing a bill.

Now some Members have said this bill is not perfect. I agree, but we have to do something. This is the best chance we have.

Madam Speaker, I hope Members will join with me in supporting this very important legislation. It is important not only to the ratepayers but to people who use energy all over the United States.

We have an energy problem in the United States. Shutting down nuclear power plants is not the answer.

Mr. DINGELL. Madam Speaker, I yield myself 4½ minutes.

Madam Speaker, we heard a remarkable speech from my good friend from Texas, a man of remarkable courtesy and courage and decency, wherein he addressed the problems that exist with regard to this bill. I want to express again my affection and respect to my good friend, the gentleman from Michigan (Mr. UPTON), who has handled the bill for the majority.

The simple fact of the matter is this is a bad bill. This is a bad procedure. What we find ourselves confronting is a bill which will be vetoed, a bill which does not have the chance of getting a veto-proof majority. It does not address the problems which confront us with regard to the handling of nuclear waste or what is required in the way of good nuclear waste legislation, but substitutes a Senate bill which everybody recognizes is inadequate.

Why we should pass a bill recognized as inadequate is beyond my ken, particularly since it does not address the problems and since it triggers opposition by many of us, like myself, the gentleman from Virginia (Mr. BOUCHER) and other colleagues on the committee, who have staunchly supported the resolution of this problem by the passage of proper legislation.

We supported the bill so ably handled by my good friend, the gentleman from Michigan (Mr. UPTON), in which the process was led by the distinguished gentleman from Texas (Mr. BARTON).

We supported the bill which passed the House last year. Why? Because we thought that those two pieces of legislation were good bills; that they took steps towards resolving a major national problem and did so in a fair and a proper way.

This legislation does not resolve it. It does not deal with the problem of short-term waste. It, in fact, probably delays the time when utility waste and defense waste could be taken to Yucca Mountain. It does not provide the utilities with the choice of interim storage in Nevada. It does not restore the $11 billion paid by ratepayers to fund the program. It does not ensure there will be enough money to pay for the repository program. It does not expedite transportation of waste from my colleagues' States or my State to Nevada. In fact, it creates a situation which will probably tie up efforts to move waste to Yucca Mountain in knots for years to come.

The interesting thing about this whole process is for some strange reason the leadership on the other side came to the conclusion, and I do not mean my colleagues on the committee but the leadership came to the conclusion that they would put the Senate bill on the floor. There was no consultation with the committee. There were no hearings on this. This bill was held at the Speaker's table. The legislation, if it had had hearings, would have become very plain.

It does not resolve the problems. We have not addressed any of the real concerns that had triggered the enactment or rather the reporting of the original House bill from the Committee on Commerce, in a bipartisan exercise. The result here is that we are passing a bad bill, under a gag rule, under a bad process, in a fashion which, very frankly, assures we do not address a major national problem; and in fact we are creating further problems, including further litigation and the possibility of large losses to the taxpayers both in terms of the corpus of the fund because of judgments and also because of huge litigation costs that are going to arise.

Clearly, we need to address the problems of procedure and have a procedure which is fair and sensible. Equally, it is clear that we need to address the fact that the substance of this bill affords no relief to the industry, does not resolve the problem and leaves us with a future mess on our hands.

I urge my colleagues to reject the legislation, vote it down or recommit it to the Committee on Commerce. Let us put a decent bill on the floor and let us do it under a process which lets the House work its will. I would have offered the Committee on Commerce's bill, which was sponsored so ably by my good friend, the gentleman from Michigan (Mr. UPTON).

The Committee on Rules and the leadership denied us that right. Not just to me but to all of us, to my colleagues on both sides of the aisle, many of whom strongly desire to have a good piece of legislation because we know that the resolution of this question or these questions is in the national interest.

Regrettably, we are rejecting that opportunity to pass a piece of legislation which will be vetoed by the President; and which I can guarantee cannot muster the votes, either to see an override of that veto in the House or in the Senate.

This is an exercise in futility; and it, quite frankly, is a shameful waste of the time of this body.

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

Mr. UPTON. Madam Speaker, I certainly appreciate the kind words from my friend, the gentleman from Michigan (Mr. DINGELL), and to close I yield the balance of our time, 4 minutes, to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Madam Speaker, the objections to this bill are, in fact, process and schedule. The objections are that perhaps a better bill could have been written and, in fact, the Committee on Commerce I think has produced on occasion better language.

The objections to the bill are that we do not treat in this bill short-term or temporary storage but it is the administration that is opposed to us doing so. We are trying to get a bill passed, trying to get it signed. We have been at this business for 15 years, and in the course of the 15 years of debate high level nuclear waste is now stored at 80 different sites in America in 40 different States.

That is in addition to the DOE waste that is now stored at DOE's weapons facilities and, as a consequence, we have collected during this 15-year period nearly $16 billion from consumers, who we have promised we would take care of this mess; and yet we have failed to keep our commitments.

The Court of Appeals has ruled that DOE has an obligation to take possession of nuclear waste in 1998, whether a repository is ready or not. 1998 has come and gone and yet now we stand in that court that the costs and the expenses of contractual damages could exceed $40 billion to $80 billion. This is taxpayer and ratepayer expenses we ought to be avoiding.

So what is our only solution? Our solution is to pass this bill, and get it as quickly as we can into law.

It does not do everything, but it does a lot. It provides indeed the backup of storage of spent nuclear fuel, for those who cannot build on-site storage. It maintains the nuclear waste fee at the current level until it is changed by Congress. It authorizes DOE to enter volunteer settlements of the billions of dollars of liability that taxpayers now face if we do nothing. It provides additional planning and safeguard.

It requires additional research into new technologies. What it does not do is important. It does not take away EPA's authority to set radiation release standards at Yucca Mountain. It does require a review of EPA's proposed rules by experts at the National Accounting of Science and the Nuclear Regulatory Commission.

It allows EPA and Congress to review their comments and it does not authorize interim storage prior to authorization of permanent repository authority at Yucca Mountain.

□ 1400

It does not violate the Budget Act, and my understanding is that the administration's objection to this bill makes no sense whatsoever.

Madam Speaker, it is time for us to settle this issue and to begin the process of avoiding this overhanging liability to the American taxpayers. Forty States, 80 different sites; it is time for us to settle it.

I want to commend my friend from Michigan for bringing this bill forward and for understanding the practical realities. Yes, we could argue process; yes, we could argue schedule; yes, we could argue for 12 hours on this floor. The result would be the same. The issue would go undetermined and unsettled.

It is time, schedule permitting, process permitting, for us to settle it, and to begin to bring an end to this awful 15-year debate, an end that provides for some permanent resolution of this issue, some permanent repository for nuclear waste, so that American citizens can avoid this overhanging problem of damages and so that we can rationalize this system of protection and provision for ultimate storage of these wastes.

Madam Speaker, I urge my colleagues to support this bill, to vote for it. It is critical that we pass it on to final action by the Senate and the White House.

Mr. PAUL. Madam Speaker, while nuclear power has conferred a considerable benefit upon power users in this country, today, we confront the symptoms of a federal government run Constitutionally amok which requires our serious attention. As a Congress, we are faced with the decision of whether to further ignore the federal government's constitutional limits and ultimately confront additional future symptoms of such action or acknowledge the necessary consequences of such an extra-Constitutional activity and act to correct the initial ''enumerated powers doctrine'' transgression.

In 1982, the federal government entered into an agreement with nuclear power industry to take possession of their nuclear waste and properly dispose of it in 1998. It should be noted that it is now March 2000 and the federal government has quite simply breached its contract. More importantly, it should be noted that the federal government had no authority to enter such an agreement in the first place. These facts, of course, did nothing to prevent the federal government from collecting from utility companies and their customers tax revenues for placement in a trust fund to accomplish their illegitimate and unfulfilled promise. Lack of constitutional authority also did nothing to stop the federal government from squandering more than $6 billion of that trust fund without having collected one gram of nuclear waste.

Today we are faced with yet another bill which provides mandates for which neither constitutional authority exists nor for which there is any reason to believe that such mandates will be observed by the Department of Energy any more than the previously legislated mandates have been observed. Additionally, this bill further expands the authority of the Environmental Protection Agency (EPA) and further involves the EPA in the process which could only exponentially increase the difficulty and time required to actually accomplish the legislation's stated purpose.

These facts stated, we nevertheless remain faced with the current status quo requiring a solution. The initial question which must necessarily be asked and answered is ''whether one constitutionally illegitimate action by the federal government may ever be used to justify the second?'' The answer to this question must always be answered in the negative. This does not mean, however, that those whose taxes have been illegitimately taken should receive nothing in return—quite the contrary. Numerous breach of contract lawsuits have been filed against the federal government for which quick remedies must be effectuated. Not only must the ill-taken revenues be returned to the non-breaching parties but attorneys fees and damages imposed upon the non-breaching parties should be awarded them as well. Perhaps, even more should be done, however, as this ''contract'' can, in many ways, be likened to the car thief who knowingly sells a stolen car to an unsuspecting customer inasmuch as the federal government promised to deliver something for which they themselves have usurped (stolen) from the state authorities and, hence, had no legitimate right to offer.

Of course, returning the trust fund money including interest and damages to ratepayers and utilities companies quite obviously does not dispose of the hazardous waste. Waste disposal and public safety, though, remains a power of the state governments under the tenth amendment to the U.S. Constitution which specifies that ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people.'' The public safety and police power have long been held to be state law matters and most appropriately so.

While citizens of those forty-nine states exclusive of Nevada may believe that Nevada is a fine place to dispose of one's waste, one must never concede the principle of states right guaranteed by the Constitution or forget that, in so doing, the next choice of the federal government may be to deposit equally dangerous or harmful materials in the rangeland of Texas. To the extent any particular state is unfit for such waste, the Constitution allows for interstate compacts between states. Enlisting the aid of the federal government to impose one's waste on citizens of another state while efficacious for the ''dumper'' is thus neither prudent, Constitutional, nor particularly pleasant for the ''dumpee.''

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to S. 1287. The bill poses a serious risk of contaminating our Nation's groundwater with nuclear waste. It also would require the Department of Energy to accept nuclear waste for permanent storage before a storage facility was completed.

Nuclear waste storage policy needs to reflect science, not politics. It must protect Americans health and the safety of their natural resources. This bill does neither.

Under the bill, there would need to be 100,000 shipments of extremely dangerous nuclear waste traveling the roads and highways of 43 States.

The threat to drinking water as a result of the use MTBE as a fuel additive underscores the need to proceed carefully in storing nuclear waste. We are learning that migration of chemicals in groundwater is wider and easier than we previously thought. To hurry to store nuclear waste at Yucca Mountain without fully understanding the risks of groundwater contamination is foolish and dangerous.

Currently the standards for Yucca Mountain include no radiation standards whatsoever for groundwater contamination. A recent article in the journal Science concluded that plutonium dioxide, present in nuclear waste, is water soluble. By rushing 77,000 tons of radioactive waste to Yucca Mountain is to reduce the time available to conduct research to assure that groundwater is protected.

It is regrettable that the Republican leadership has prevented Members from offering amendments to correct the deficiencies of this bill. Almost a year ago, the Commerce Committee reported a nuclear waste bill with bipartisan support to the House. The Republican leadership will not permit us to even consider that bill.

We need to resolve the problem of nuclear waste storage. But a bad bill is no solution. The President has indicated that he will veto this bill. He is right to do so. I will vote against this bill, and will vote to uphold his veto.

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

Pursuant to House Resolution 444, the Senate bill is considered read for amendment, and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

MOTION TO COMMIT

Ms. BERKLEY. Madam Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. BERKLEY. I am, Madam Speaker, in its present form.

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

The Clerk read as follows:

Ms. Berkley of Nevada moves to commit the Senate bill, S. 1287, the Nuclear Waste Policy Amendments Act, to the Committee on Commerce, with instructions that the Committee hold hearings on the bill.

Mr. UPTON. Madam Speaker, I reserve a point of order. I do not think we have seen a copy of the motion.

The SPEAKER pro tempore. The gentlewoman from Nevada (Ms. BERKLEY) will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, the intense debate today makes it clear that the House should not act on this flawed legislation, but should further consider it in committee.

A great many amendments have been drafted by Members of the House who agree that S. 1287 is a dangerous and irresponsible approach to dealing with our greatest environmental challenge, nuclear waste. But we are operating under a closed rule, and no amendments were considered. In view of this

rule, our only reasonable option is to commit this bill to the Committee on Commerce so that all issues may be fully addressed.

Here are some of the issues that must be addressed before any legislation can be passed by this body:

Improving the testing of nuclear shipping containers, which are the only, only, line of defense against nuclear contamination on shipping routes in 43 States.

Shipping routes that pass through cities and towns with a combined population of over 50 million people.

Requiring consultation with State and local governments on public safety issues prior to shipping.

Beefing up our emergency response capabilities to deal with radiation releases caused by shipping accidents, including funding for emergency response teams. With well over 100,000 rail and highway shipments looming, the Department of Energy safety experts tell us accidents will happen, it is a mathematical certainty; yet S. 1287 fails to address this awful reality.

Prohibiting transportation in school zones.

Protecting EPA's authority to set radiation standards.

Requiring private carriers of nuclear waste to follow selected routes, determined in advance.

Protecting the American taxpayer from the escalating costs of nuclear waste.

Requiring advance notification to safety agencies and communities of all nuclear waste shipments going through their States and cities and towns.

Assuring compliance with State and local laws regarding transportation and storage of radioactive materials.

Prohibiting storage of nuclear wastes in areas known to be plagued by natural disasters.

Preventing negligence or misconduct by contractors who would handle and ship nuclear wastes.

Madam Speaker, this list of amendments is by no means complete. Many more have been suggested, and all of them should be considered. I know of at least 24 amendments that Members would submit under an open rule.

Clearly our discussion today of S. 1287 is incomplete, as these amendments cannot be debated under the closed rule. The wise course of action is to commit, and I call for your support for this motion to commit S. 1287 to the Committee on Commerce for further review and study.

Madam Speaker, I thank the ranking member from Michigan for his outstanding leadership in this issue.

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

Mr. UPTON. Madam Speaker, I withdraw my reservation of a point of order.

Madam Speaker, I claim the 5 minutes in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Madam Speaker, I appreciate the gentlewoman's request that we hold hearings on the Senate bill. I might say, though, as a member of the committee, we have had days and days and nights on this issue, some would say 40 days and 40 nights, a lot of weeks over the last couple of years, including debate, lengthy debate, on this House floor.

The problem is not hearings; the problem is the administration. The administration has refused to negotiate in good faith on an issue of terrific importance to the entire country on this issue.

Detractors, many of the detractors of this bill were against nuclear power from the get-go. I have to say that I think I was still in grade school when the decision was made, maybe even before that, to go with nuclear power; and we are now 30 or 40 years later, and when the decision was made, the Federal Government promised that it would take care of the long-term storage of high-level nuclear waste.

As the gentleman from Louisiana pointed out earlier, we have more than 80 sites across this country that are storing now high-level nuclear waste. A number of them, including some in my district, but about a dozen sites around the country in fact ran out of room a long time ago.

In my district we have cement silos literally a baseball throw away, a Sammy Sosa relay throw, from Lake Michigan, where it is being stored, probably for at least another decade. I do not want it there. I want it in one safe place.

We transported that material to these sites around the country for the last couple of decades. Not a single case of radioactivity was released in those transfers. I believe that with the standards that we impose, that we will in fact see that waste transported safely again without a single release to one safe site.

I have been to the Nevada site. I have seen some of the $10 billion of Federal money that was used to finally store this for thousands of years, and I think it is going to be safe. The scientists are going to decide that.

Our problem has been an administration that has refused to negotiate with us. Yes, they have given us conditions they wanted. But do you know what? This bill we are taking up this afternoon, many of those conditions were met. We heard the other side talk about the interim storage facilities, this does not have an interim storage facility. Well, I can show you the letter signed by the President, not only this year but last year and the year before that, he is going to veto the bill if that provision is in there. The Senate leadership in good faith negotiations said okay, we are going to have a new President next year, one way or another. We will take that out if that gets you to sign the bill.

Guess what? The veto signal still stayed on. In my State we have a Republican Senator and we have a Democratic Senator. Both of them voted for this bill that we are now debating today.

It is time to get a bill to the President's desk. That is all we are asking. It is not perfect. Our bill, the House Commerce bill, yes, it is better. It is better in a lot of respects. But in negotiations with this administration the Senate felt they had to make some changes that they thought that was the best, to hopefully get the administration on board; and, at the end of the day, Lucy took the football away again, and we are left with what we have got. We are left with the hand that we are dealt.

Madam Speaker, I would urge my colleagues to vote down this motion. We have had a lot of hearings. We spent a lot of time on this issue for the right reasons. It has been bipartisan virtually every which way. I would hope that we could turn down this motion to commit and vote for the bill.

Mr. TRAFICANT. Madam Speaker, I ask unanimous consent that 2 additional minutes be added to this motion to commit, and that those 2 minutes be granted to me.

Mr. DINGELL. Madam Speaker, reserving the right to object; this is a rather unusual process.

Madam Speaker, I will not object, and I withdraw my reservation of objection.

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

There was no objection.

Mr. UPTON. Madam Speaker, I still have 1 minute remaining.

The SPEAKER pro tempore. The gentleman from Michigan reserves his 1 minute.

The gentleman from Ohio (Mr. TRAFICANT) is recognized for 2 minutes.

Mr. TRAFICANT. Madam Speaker, I was prepared to assist and help with the passage of this bill, but I believe this bill is fatally flawed. I support the motion to commit because it is bad enough, Madam Speaker, that the district of the gentleman from Nevada (Mr. GIBBONS) will become a dump for nuclear waste, but this bill leaves our Nation wide open for foreign nuclear waste.

The Traficant amendment should have been made in order to this bill. Listen to what it said: ''No foreign nuclear waste shall be allowed in the United States or be deposited in, on, or under American soil or American water.'' This is big business. Big business will pay big money to store this, and we will become the nuclear waste dump site of the world. That is reasonable language.

Here is my position: I am going to ask that if this bill is passed that the Traficant language be inserted in conference. That is a reasonable protection that has so much common sense, we look like fools if we leave it open for foreign nuclear waste to be brought in here.

So I am going to vote for the motion to commit; I am going to vote against the bill.

Madam Speaker, I would appreciate Members doing something in the conference to protect the American people and the people from the district of the gentleman from Nevada (Mr. GIBBONS) as well.

Mr. UPTON. Madam Speaker, in my remaining minute I would just again urge my colleagues to support this bill. This bill will go to the President's desk. It has bipartisan support in the Senate. It should have bipartisan support today.

In the next administration I will work with the gentleman from Ohio and other Republicans and Democrats to rightfully craft even a better bill. This bill goes two steps in the right direction. I will be glad to take it the remaining half step to get it to be a good bill eventually with the President.

Again, I urge my colleagues to vote no on this motion to commit, and vote yes on final passage.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

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

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

Ms. BERKLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 233, not voting 14, as follows:

[Roll No. 62]

YEAS—188

Abercrombie	DeFazio	Jackson (IL)
Allen	DeGette	Jefferson
Andrews	Delahunt	John
Baca	DeLauro	Johnson, E.B.
Baird	Deutsch	Jones (OH)
Baldacci	Dicks	Kaptur
Baldwin	Dingell	Kennedy
Barcia	Dixon	Kildee
Barrett (WI)	Doggett	Kilpatrick
Becerra	Dooley	Kleczka
Bentsen	Doyle	Klink
Berkley	Edwards	Kucinich
Berman	Engel	LaFalce
Berry	Eshoo	Lampson
Blagojevich	Etheridge	Lantos
Blumenauer	Evans	Larson
Bonior	Farr	Lee
Borski	Fattah	Levin
Boswell	Filner	Lewis (GA)
Boucher	Forbes	Lipinski
Brady (PA)	Ford	Lofgren
Brown (FL)	Frank (MA)	Lucas (KY)
Brown (OH)	Frost	Luther
Capps	Gephardt	Maloney (CT)
Capuano	Gibbons	Maloney (NY)
Cardin	Gonzalez	Markey
Carson	Gordon	Mascara
Clay	Green (TX)	Matsui
Clayton	Gutierrez	McCarthy (MO)
Clement	Hall (OH)	McCarthy (NY)
Condit	Hastings (FL)	McGovern
Conyers	Hinchey	McInnis
Costello	Hinojosa	McIntosh
Coyne	Hoeffel	McIntyre
Crowley	Holden	McKinney
Cummings	Holt	McNulty
Danner	Hooley	Meehan
Davis (FL)	Hoyer	Meeks (NY)
Davis (IL)	Inslee	Menendez
Millender-McDonald	Reyes	Tanner
Miller, George	Rivers	Tauscher
Minge	Rodriguez	Thompson (CA)
Mink	Roemer	Thompson (MS)
Moakley	Rothman	Thurman
Mollohan	Roybal-Allard	Tierney
Moore	Sabo	Towns
Moran (VA)	Sanchez	Traficant
Nadler	Sanders	Turner
Napolitano	Sandlin	Udall (CO)
Neal	Sawyer	Udall (NM)
Oberstar	Scott	Velazquez
Obey	Serrano	Vento
Olver	Sherman	Visclosky
Ortiz	Sisisky	Waters
Owens	Skelton	Watt (NC)
Pascrell	Slaughter	Waxman
Payne	Smith (NJ)	Weiner
Pelosi	Smith (WA)	Wexler
Phelps	Snyder	Weygand
Price (NC)	Stabenow	Wise
Rahall	Stark	Woolsey
Rangel	Strickland	Wu
	Stupak	Wynn

NAYS—233

Aderholt	Gejdenson	Nethercutt
Archer	Gekas	Ney
Armey	Gilchrest	Northup
Bachus	Gillmor	Norwood
Baker	Gilman	Nussle
Ballenger	Goode	Ose
Barr	Goodlatte	Oxley
Barrett (NE)	Goodling	Packard
Bartlett	Goss	Pastor
Barton	Graham	Paul
Bass	Granger	Pease
Bateman	Green (WI)	Peterson (MN)
Bereuter	Gutknecht	Peterson (PA)
Biggert	Hall (TX)	Petri
Bilbray	Hansen	Pickering
Bilirakis	Hastert	Pickett
Bishop	Hastings (WA)	Pitts
Bliley	Hayes	Pombo
Blunt	Hayworth	Porter
Boehlert	Hefley	Portman
Boehner	Herger	Pryce (OH)
Bonilla	Hill (MT)	Quinn
Bono	Hilleary	Radanovich
Brady (TX)	Hilliard	Ramstad
Bryant	Hobson	Regula
Burr	Hoekstra	Reynolds
Burton	Horn	Riley
Buyer	Hostettler	Rogan
Callahan	Houghton	Rogers
Calvert	Hulshof	Rohrabacher
Camp	Hunter	Ros-Lehtinen
Campbell	Hutchinson	Roukema
Canady	Hyde	Ryan (WI)
Cannon	Isakson	Ryun (KS)
Castle	Istook	Salmon
Chabot	Jenkins	Sanford
Chambliss	Johnson (CT)	Saxton
Chenoweth-Hage	Johnson, Sam	Scarborough
Clyburn	Jones (NC)	Schaffer
Coble	Kanjorski	Sensenbrenner
Coburn	Kasich	Sessions
Collins	Kelly	Shadegg
Combest	Kind (WI)	Shaw
Cook	King (NY)	Shays
Cooksey	Kingston	Sherwood
Cox	Knollenberg	Shimkus
Cramer	Kolbe	Shows
Cubin	Kuykendall	Shuster
Cunningham	LaHood	Simpson
Davis (VA)	Largent	Skeen
Deal	Latham	Smith (MI)
DeLay	LaTourette	Smith (TX)
DeMint	Lazio	Souder
Diaz-Balart	Leach	Spence
Dickey	Lewis (CA)	Spratt
Doolittle	Lewis (KY)	Stearns
Dreier	Linder	Stenholm
Duncan	LoBiondo	Stump
Dunn	Lucas (OK)	Sununu
Ehlers	Manzullo	Sweeney
Ehrlich	Martinez	Talent
Emerson	McCollum	Tancredo
English	McCrery	Tauzin
Everett	McHugh	Taylor (MS)
Ewing	McKeon	Taylor (NC)
Fletcher	Metcalf	Terry
Foley	Mica	Thomas
Fossella	Miller (FL)	Thornberry
Fowler	Miller, Gary	Thune
Franks (NJ)	Moran (KS)	Tiahrt
Frelinghuysen	Morella	Toomey
Gallegly	Murtha	Upton
Ganske	Myrick	Vitter
Walden	Weldon (FL)	Wilson
Walsh	Weldon (PA)	Wolf
Wamp	Weller	Young (AK)
Watkins	Whitfield	Young (FL)
Watts (OK)	Wicker	

NOT VOTING—14

Ackerman	Jackson-Lee (TX)	Pallone
Boyd	Lowey	Pomeroy
Crane	McDermott	Royce
Greenwood	Meek (FL)	Rush
Hill (IN)		Schakowsky

□ 1436

Mrs. CUBIN, Mr. GEJDENSON and Mr. RILEY changed their vote from ''yea'' to ''nay''.

Mr. DAVIS of Florida changed his vote from ''nay'' to ''yea''.

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). 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

Ms. BERKLEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 253, noes 167, not voting 15, as follows:

[Roll No. 63]

AYES—253

Aderholt	Cramer	Hayes
Armey	Cubin	Hayworth
Bachus	Cunningham	Hefley
Baker	Davis (FL)	Hill (MT)
Ballenger	Davis (VA)	Hilleary
Barr	Deal	Hilliard
Barrett (NE)	DeLay	Hobson
Bartlett	DeMint	Hoekstra
Bass	Deutsch	Holden
Bateman	Diaz-Balart	Horn
Bereuter	Dickey	Hostettler
Berry	Doolittle	Houghton
Biggert	Doyle	Hulshof
Bilbray	Dreier	Hunter
Bilirakis	Duncan	Hutchinson
Bishop	Dunn	Hyde
Bliley	Ehlers	Isakson
Blunt	Ehrlich	Istook
Boehlert	Emerson	Jefferson
Boehner	English	Jenkins
Bonilla	Etheridge	John
Bono	Everett	Johnson (CT)
Brady (PA)	Ewing	Johnson, Sam
Brady (TX)	Fletcher	Jones (NC)
Brown (FL)	Foley	Kanjorski
Bryant	Fossella	Kind (WI)
Burr	Fowler	King (NY)
Burton	Franks (NJ)	Kingston
Buyer	Frelinghuysen	Klink
Callahan	Gallegly	Knollenberg
Calvert	Ganske	Kolbe
Camp	Gejdenson	LaHood
Campbell	Gekas	Largent
Canady	Gilchrest	Latham
Cannon	Gillmor	Lazio
Castle	Gilman	Leach
Chabot	Goode	Lewis (CA)
Chambliss	Goodlatte	Lewis (KY)
Chenoweth-Hage	Goodling	Linder
Clayton	Gordon	Lipinski
Clement	Goss	LoBiondo
Clyburn	Graham	Lucas (KY)
Coble	Granger	Lucas (OK)
Coburn	Green (WI)	Maloney (CT)
Collins	Gutknecht	Manzullo
Combest	Hall (TX)	Martinez
Cook	Hansen	Mascara
Cooksey	Hastert	McCarthy (NY)
Costello	Hastings (FL)	McCollum
Cox	Hastings (WA)	McCrery

McHugh
McIntyre
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Northup
Norwood
Nussle
Olver
Ose
Oxley
Packard
Pastor
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—167

Abercrombie
Allen
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McGovern
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Ney
Oberstar
Obey
Ortiz
Owens
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Pomeroy
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stabenow
Stark
Strickland
Stupak
Talent
Tauscher
Thompson (CA)
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waxman
Weiner
Weygand
Wise
Woolsey
Wu

NOT VOTING—15

Ackerman
Boyd
Crane
Greenwood
Herger
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Pallone
Royce
Rush
Schakowsky
Shaw
Waters

□ 1453

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAW. Madam Speaker, on rollcall No. 63, I was on the floor and voted ''yes''. The electronic machine did not record that I had voted.

□

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to insert extraneous material on S. 1287, the Senate bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

□

OIL PRICE REDUCTION ACT OF 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

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. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. 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 International Relations now printed in the bill, modified by striking subsection 6(c). Each section of that amendment in the nature of a substitute shall be considered as read. No amendment to that 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes 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 445 is a modified open rule providing for the consideration of H.R. 3822, the Oil Price Reduction Act 2000. The rule makes in order the Committee on International Relations amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, modified by striking section 6(c).

The rule provides for 1 hour of general debate equally divided between the chairman and the ranking minority member of the Committee on International Relations.

Further, the rule provides the bill shall be open for amendment by section, and makes in order only those amendments preprinted in the CONGRESSIONAL RECORD, to be offered only by the Member who caused it to be printed or his designee, and each amendment shall be considered as read.

In addition, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on votes following a 15-minute vote.

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

Last Thursday an announcement was made advising Members of the preprinting requirements for amendments, and I believe that House Resolution 445 is a fair approach in order to provide a forum in which to debate the current situation regarding the rising price of oil and its causes. Because the bill is narrowly tailored and deals only with foreign and not domestic oil, it is important all Members have the opportunity to review amendments prior to their being offered in order to ensure that they are germane.

I am sure all of us have been bothered, Mr. Speaker, by the high price of

fuel when we have gone to the pump to fill our automobile tanks in the past few weeks, and especially we have been disturbed to see the effect these oil price increases are having on low-income Americans and people trying to live within a family budget each week.

Clearly, oil prices have almost tripled in the past year, and yet the administration failed to respond strongly enough to the OPEC production costs at the time of their institution. The Oil Price Reduction Act provides that it shall be the policy of the United States to consider the extent to which major net oil exporting countries engage in oil price-fixing to be an important determinant in the overall political, economic, and security relationship between these countries. It also provides that it shall be the policy of the United States to work multilaterally with other nations that are major oil importers to bring about the complete dismantlement of oil price-fixing arrangements.

□ 1500

In addition, the bill requires the President to report to Congress on the overall academic and security relationship between the United States and major oil exporting countries, and also how coordination among these countries with respect to oil production and pricing has affected the U.S. economy in global energy supplies; all the assistance programs under the 1961 Foreign Assistance Act and the 1975 Arms Export Control Act that are provided to oil-producing countries and which countries are engaged in oil price-fixing that harms the U.S. economy.

Further, the bill requires the President after he submits his report to undertake a diplomatic campaign to attempt to persuade any country engaged in price-fixing that the current oil price levels are simply unsustainable and that they will negatively affect global economic growth rates in oil-consuming, as well as developing countries.

The gentleman from New York (Mr. GILMAN) of the Committee on International Relations introduced the Oil Price Reduction Act in response to concerns about rapidly rising oil prices and the role that the intentional increase in oil-producing OPEC countries may have played in this price increase, excessive price increase.

This is an important first step, Mr. Speaker. Passing this bill today will send a message to the international community prior to Energy Secretary Richardson's meeting next week with OPEC members, that the Congress of the United States is serious about finding solutions to the problem of excessive fuel prices.

I urge my colleagues to support the rule as well as to support the underlying legislation.

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

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

Mr. Speaker, the do-nothing Republican Congress has a plan for the run-up in gas prices: do nothing. That is right. For over 5 years, the Republican Congress has done nothing about energy.

In the midst of runaway gas prices, the Republicans, apparently, do not want to do anything that might either in the short term or over the long term help American consumers or might have the effect of ensuring the national security of this great country of ours.

Mr. Speaker, case in point: this rule and this bill do nothing, except perhaps allow the Republican majority to bluster and play bipartisan blame games. When the prices at the pump have reached a $1.60 and higher, the Republican leaderships rush to a gas station for a photo-op. Perhaps, my Republican colleagues think that casting aspersions on the Clinton administration in front of a gas pump will magically make the price of gasoline drop, because as far as I can see, press releases are all they are offering as a solution to the current dilemma.

If the Republican majority really wanted to help American customers instead of taking partisan pot shots, the Committee on Rules would have crafted a rule that would allowed the House to consider some common sense and substantive amendments proposed by Democratic Members of this body.

The Committee on Rules last night voted to deny the House the right to consider legislation which would extend the President's authority to use a Strategic Petroleum Reserve to respond to rising gasoline prices and heating oil shortages.

The Committee on Rules Republicans voted to deny the House the opportunity to respond to the President's request that we create a Northeast storage facility for home heating oil.

The Committee on Rules voted on a straight party line vote against an amendment that would have diverted domestic oil sales from Japan to the West Coast where gas prices are soaring to $2.50 a gallon and more.

The Republicans on the Committee on Rules voted against an amendment providing for tax incentives to stabilize the domestic oil industry.

Mr. Speaker, that the Committee on Rules Republican majority should vote to deny the House the right to consider amendments that might actually address the problem does not surprise me in the least. Since the Republicans took over this body 5 years ago, they have slashed funding for energy conservation programs by 62 percent. They have cut weatherization programs and have tried time and time again to eliminate the Low Income Housing Assistance Program, which is a lifeline for so many people in the Northeast in the winter months.

But what is really unbelievable, Mr. Speaker, is the lack of action on legislation to reauthorize the Strategic Petroleum Reserve. In the midst of rising oil prices, the Republican majority has blithely ignored a tool the President can use to help ease oil prices in this country if production limits are not increased after OPEC meets next week.

The Strategic Petroleum Reserve was created to protect our national security and our economy from foreign price and supply problems, but the Republican majority would rather blame the President for rising gas prices than give him the authority he needs to take remedial action.

But what makes this whole exercise laughable, Mr. Speaker, is the fact that last night the Republican Members of the Committee on Rules did vote to accept an amendment to the rule. My colleague, the gentleman from Texas (Mr. SESSIONS), offered a substitute to the rule which deleted the only section of H.R. 3822 which even appeared to be decisive.

That section would have allowed the President to terminate foreign assistance, both economic and military, to any country engaging in oil price-fixing. The bill would not have required the President to do so, of course, but my Republican colleagues decided it was in their best interests to defang the already nearly toothless tiger that they had tottered out of the Committee on International Relations.

This bill is a joke, Mr. Speaker. The Republican response to rising gas prices is laughable; but unfortunately, I do not think many Americans are laughing.

Mr. Speaker, I intend to oppose the previous question on this rule. I would hope that every Member of this body is concerned about the failure of the Republican majority to face this situation squarely and forthrightly. And I hope that all of those Members will join me in voting no on the previous question so that the House might consider another substitute rule.

My rule would allow the House to consider the common sense and practical amendments that were offered last night at the Committee on Rules but which were summarily denied consideration.

I urge my colleagues to vote no on the previous question to allow real solutions to a real problem.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it has become evident that one thing that is never in short supply on the other side of the aisle is partisanship. We are trying to get something serious done here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), my distinguished colleague on the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague and friend, the gentleman from Florida (Mr. DIAZ-BALART) from the Committee on Rules,

for yielding me this time. I rise, obviously, in support of this very good rule and the underlying bill.

Remembering the subject of the bill, I think that we have a good rule. It does not cover every possible problem we have with energy. But for the subject on the floor, it is an appropriate rule for the aspect of energy we are here to discuss.

Frankly, we should not be here on this issue today. But we are here as a result of an ineffectual Clinton-Gore energy policy which has been very heavy on photo-ops, very heavy on grandstanding and very, very light in substance and has resulted in increased prices of gas at the service station for virtually every American.

As the Energy Secretary's own point man freely admits, since March of 1998, in testimony before one of our committees here when they were expressing concern about this, OPEC has instituted three tiers of production cuts, three. Three times this has happened. None of these cuts were met with any resistance from the Clinton-Gore team at that time. And only now is Secretary Richardson, who has publicly stated that he was asleep at the switch on this, only now is he trying to play catch-up with our friends in the Middle East and elsewhere.

I wonder if Secretary Richardson knows how to leverage our awesome bargaining power with the Saudis, the Mexicans, the Venezuelans, and our other friendly oil producers in the world. After all, what have we done for the Saudis or the Mexicans lately?

Mr. Speaker, it does not make much sense to the folks that I talk to in the town meetings and at the gas stations and out about in my district back home that it is our friends that are responsible for the historic increases at the pumps, that is the oil-producing nations.

People in my district get even more agitated when I tell them that we are not going to be able to expect a tough executive branch response. We have not seen one for 2 years. While this has been happening, the Clinton-Gore administration has not been taking effective action.

Managing our energy portfolio is appropriately an executive branch function. There is no congressional function that says we are in charge of the energy branch portfolio. I know President Clinton is busy in India today doing business for the United States of America, and I know Vice President GORE is focused on other matters. But I also know that Americans are at the gas station looking for lower gas prices, and they deserve them.

The legislation of the gentleman from New York (Mr. GILMAN) today is simply an attempt to prod the Clinton-Gore team into action on a matter of concern to most Americans. While that should not be necessary, I am hopeful that this effort will send a strong message to OPEC that when it comes to protecting Americans from arbitrary and unfair price hikes, not all branches of this Government are asleep at the wheel. In other words, this is a wake-up call.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, this is a day when we appear to be quite determined to dress up nothing in a lot of finery and call it legislation.

This is a piece of legislation which will do little or nothing. I intend to offer an amendment to it at the appropriate time which I hope will address some of the concerns that are held by most Americans, and that is an amendment which will extend the President's authority under EPCA, which will expire on the 31st of March, to operate and draw down as needed the strategic petroleum reserve.

This is perhaps the only tool now readily available to the United States to address the problems of perturbations in the energy market and to see to it that we are able to calm a market which is subject to both overheating and enormous swings in the level of price. I hope my colleagues will support that amendment at the time that I do so.

I would simply observe something which I think that this body should listen to. This is a letter from the executive office of the President, and I am reading the last paragraph:

> The administration also calls on the Congress to immediately reauthorize the strategic petroleum reserve and the international energy program at the Department of Energy. This is necessary to ensure that the President maintains the ability to use all available tools to respond to the needs of the U.S. economy. Further, in order to reduce the likelihood that future heating oil shortages will harm consumers, the administration also calls on Congress to authorize the creation of a home heating oil reserve in the Northeast with an appropriate trigger that could supply additional heating oil to market in the event of a supply shortage.

I urge my colleagues to support these amendments and to recognize that, without these kinds of authorities, the President's ability to negotiate with foreign countries, particularly the energy-producing countries of OPEC and similar bodies, will be virtually nonexistent. Because, without these, his capacity to compel behavior by those countries or to ensure that there will be appropriate negotiations or that the negotiations will be backed up by the apparent ability of the United States to address the problems of supply and price.

So I urge that these amendments be adopted. We consider perfecting this legislation and we pass legislation that, in fact, will accomplish something which will have merit and meaning and be of value to this country and something which will do credit to this body. I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. It is a modified open rule. The only reason it is modified is that we have a preprinting requirement, meaning that we will allow every Member to have an opportunity to see amendments that are printed in the RECORD. It is an open amendment, and for that reason I believe this deserves strong bipartisan support.

Now, I will tell my colleagues that I am not one who regularly comes down here and enjoys pointing the finger of blame. But as I listen to my friend, the gentleman from Dallas, Texas (Mr. FROST), blame the increase in oil prices on the Republican Congress and the lack of action over the last 5 years, I have got to say that it has really happened for a couple of reasons which are unfortunate. We want to deal with them in a bipartisan way. But since the finger of blame has been pointed, I think that we need to responsibly look at exactly who really is responsible here. And that is the Clinton-Gore administration.

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They have categorically failed the international leadership effort that was needed to convince our OPEC trading partners to stop their destabilizing action. I remember going back to the early part of what we now have to refer to, the 1990s, as the last decade, the early 1990s when we saw President George Bush put together this amazing 28–Nation coalition which allowed us to liberate the people of Kuwait from Saddam Hussein. We have obviously seen a failure of leadership when it comes to dealing with countries in that region. This foreign policy is very, very unfortunate and I believe has played a big role in getting us to where we are.

I come from Southern California. I suspect that most people have heard of the Los Angeles area. We have a freeway system out there, great distances that we travel and gasoline is very expensive. I do not like seeing the prices increase myself or for the people whom I am honored to represent here. I think we need to do something about that. The blame that my friend from Dallas was trying to place on the shoulders of the Republican majority has actually been shouldered, I think responsibly, shouldered by the Secretary of Energy who said it is obvious that we were not prepared. It seems to me that the fact that Secretary Richardson courageously stood forward and basically indicated that they were asleep at the

switch on this is something that I congratulate him for taking the responsibility but they have taken the responsibility. So do not try to point the fingers at those of us here in this Republican Congress.

The Vice President, as was said by my friend from Sanibel, is obviously engaged in a very vigorous campaign to succeed Mr. Clinton but if you go back to his book ''Earth in the Balance,'' he made it clear he cannot be too unhappy with what has been taking place here. He said, ''Higher taxes on fossil fuels is one of the first logical steps in changing our policies in a manner consistent with a more responsible approach to the environment.''

I will say this, that I hope very much as our former colleague and very good friend Secretary Richardson prepares to meet with OPEC members, it is important that we here in the Congress send a message to the international community that oil price-fixing and other anti-free market practices that are detrimental to global economic growth and obviously very dangerous to the economic stability of developing nations around the world, that we address that.

The gentleman from New York (Mr. GILMAN) has come forward with responsible legislation. It is basically an open rule, a modified open rule. We should have it carry through with again strong bipartisan support. I believe the legislation should get that, too, to strengthen the administration as they move forward to try and address this problem.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, what is hard to figure out is whether we should be happy that the majority Republicans want to do nothing and are succeeding because it seems if they try to do something, it would either be inconsequential or bad for the country. But it is clear whether we look at prescription drugs, whether we look at a patients' bill of rights, rational gun laws, education or energy, that there is a concerted effort to take no reasonable action. For 6 years, no effort on increasing the efficiency of automobiles. We cannot in the midst of this crisis get the majority to reauthorize the Strategic Petroleum Reserve. A few years ago, they wanted to dismantle it. Even in the midst of this crisis, they cannot get themselves together to bring a bill to the floor, and the rule prohibits us frankly from dealing with reestablishing the Strategic Petroleum Reserve.

So what are we doing here? Well, we are going to ask the President to study the matter, and when he finishes studying the matter, we want him to report to us and we want him to take strong, united, diplomatic action. Pick up the phone. Pick up the phone and call the White House. Frankly, they are doing diplomatic action. I do not think a lot of what they have done is enough. But for God's sakes, this Congress coming here with this bill today is an embarrassment. Why? You are against conservation, you are against alternative energy, you are against providing even the incentives for oil research and going after some of the small producing wells. You come here with a letter to the President of the United States. Maybe we should be happy that this Republican-controlled Congress is do-nothing, in health care, in drugs, and now in energy.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS), a distinguished member of the Committee on Rules.

Mr. REYNOLDS. Mr. Speaker, I rise in support of this rule. The reason we are here today is very simple. The Clinton-Gore administration was caught sleeping on the job. A year ago, OPEC nations cut production quotas by 2 million barrels a day. A year ago, oil-producing nations engaged in a deliberate and calculated effort to drive up energy costs in this country. A year ago, the Clinton-Gore administration did nothing. Energy Secretary Bill Richardson admits that they were, quote, napping. That is not a nap, that is a hibernation. From home heating to gasoline, consumers have been hit with double-digit increases in energy costs. In my own home area of western New York in the Finger Lakes, we have experienced how particularly hard hit the Northeast has been over the past several months. Our only hope is that now that the President has family living in upstate New York, he may be more sensitive to the needs of the Northeast.

It is time for the Clinton-Gore administration to stand up for American consumers and working families by standing up to those nations engaged in price fixing. Finally, in the last year of this administration, it is time for the Clinton-Gore team offering up to the American people a plan for energy management rather than crisis management.

Mr. FROST. Mr. Speaker, I yield myself 1 minute. Let us be very clear what is going on today. The Republicans are debating a press release. They are not debating a bill.

Let me read their bill: Report on Diplomatic Efforts. Not later than 120 days after the date of the enactment of this act, the President shall transmit to the Congress a report describing any diplomatic efforts undertaken in accordance with subsection A and the results achieved by those efforts.

That is all we are debating today. That is it. This is a press release.

Last night, the gentleman from Michigan (Mr. DINGELL) came to the Committee on Rules and asked that an amendment be made in order to permit the President to release oil from the Strategic Petroleum Reserve after March 31. March 31, that is a week from this Friday. That is when the authority runs out under current law. The Republicans will not let that be voted on today. All they want to vote on is a press release. They do not want to vote on specific actions that could help American consumers.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, this is a sad day for the United States Congress. We are legislators. We could legislate today. We could deal with this issue. We could take concrete steps. In this piece of legislation, the Republicans are offering two points.

The President shall undertake a concerted diplomatic campaign. That is the most important thing they are requiring. Two, he should take the necessary steps to begin negotiations.

That is all this does. Diplomatic campaign and should begin negotiations. That is what they are doing. There was another section. It would have given the President the authority to reduce, suspend, or terminate assistance to these countries. We are giving foreign aid and military assistance to the very OPEC nations that are price gouging us.

But the corporate sponsors of the Republican Party did not like that section and the Committee on Rules took it out. This bill could have done something, but now it will do nothing. The bill also could have allowed my amendment, take our Alaska oil and turn it back from Japan and China and ship it to the refineries that need oil on the west coast of the United States.

That was the law of the land in America until the Republicans took control of Congress and they jammed through legislation at the behest of the oil industry to allow the export of oil from Alaska. The district of the gentleman from California (Mr. DREIER) could benefit from that oil. My district could benefit from that oil. But, no, they do not want to fly in the face of their campaign contributors, the oil companies, who are so generously supporting them and their presidential candidate.

No, we would not want to take a concrete step here on the floor of the House and really do something. We are going to undertake a concerted diplomatic campaign and take the necessary steps to begin negotiations. Pretty pathetic for the majority party. I can support that, but I have already asked the President to do more, and they are not doing much down at the White House but they are even doing more than what the Republicans are asking.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

This legislation is sending a message to the international community that the Congress is serious about the fact that there is no one at the helm down the street, that there is a crisis, that oil price fixing has occurred and that that is being suffered by the American people. The consequences of that is suffered by the American people and what

we are seeing from the other side of the aisle is attack upon attack upon attack on this side of the aisle when we wanted to bring forth a bipartisan statement before Energy Secretary Richardson's trip in upcoming days to fortify his position before the international community and specifically the OPEC countries.

Now, despite the unfortunate tactics that we are seeing from the other side of the aisle, we are going to continue to send a message; and we are going to say we know there is no one at the helm; we know there is no one at the helm. We know that in Colombia today there is over 50 percent of the population under narco-terrorists and this White House has just found out about it, and that is an oil-producing country right by the largest oil producing country in this hemisphere, Venezuela, and this White House has just found out about it, and yet we hear speaker after speaker after speaker come and talk against the majority in this country, when what we wanted to do and what we are intent on doing and will continue to do is to send a message to the international community that while there may be no one at the helm down the other side of Pennsylvania Avenue, this Congress, the sovereign Congress of the United States takes this issue seriously and is cognizant of the fact that it is unsupportable and condemnable that the American people are suffering every day when they have to go and purchase gasoline because of the lack of action and the lack of leadership of this presidency. That is what we are talking about here today.

Now, what are we discussing at this very moment? My friend the gentleman from Texas (Mr. FROST) got up and started reading some language from the bill. We are talking about a rule. We are talking about a rule that is bringing this underlying legislation to the floor. The rule says that any amendment is possible if you preprinted it and it is germane. I remember when we were in the minority here, when the Republicans were in the minority, how unusual it was to see open rules, to see rules where any Member could bring forth any amendment on any issue as long as it was germane. That is what we have here today, as long as you preprinted the amendment in the CONGRESSIONAL RECORD, in other words, given all of your colleagues prior notice of the fact that you seek to bring forth that amendment. That is what we are talking about now, about the rule. I wonder if there will be any discussion whatsoever about this rule. There may be, there may not be. As of now, what we have seen is total irrelevance.

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

Mr. TIAHRT. Mr. Speaker, I rise in support of the rule and in support of the Oil Price Reduction Act. Let us turn back the hands of time to 1978. Gas lines, high prices, President Carter gives us the typical liberal, big-government solution. More government, more programs that never get smaller and never go away. He forms the Department of Energy with the sole purpose of writing a national energy policy and imposing price and supply controls. The relief from high prices come when President Reagan finally rolls back the price and supply controls, but we still do not have an energy policy.

What do we have? We have the Clinton-Gore administration taking millions of acres out of oil production up in Alaska. The gentleman from Oregon wonders how come there is no oil coming to his State. It is because the Clinton-Gore administration has taken it out of oil exploration. Number two, the Clinton-Gore administration increases regulations on existing oil producers.

□ 1530

Right now, if there is a dead bird found anywhere near an oil production unit in Kansas, the very person that is trying to provide us with energy to take our kids to school, to go to the grocery store, to go to work, could be fined up to $10,000 per dead bird no matter how come the bird has passed away, regardless of why the death occurred.

Maybe that explains why before the Clinton-Gore administration we had 30 rigs in Kansas searching for energy. Today we have 6. There, nationwide, are 450,000 stripper wells that could be producing energy for us. We have a self-inflicted energy problem and it has been inflicted by the Clinton-Gore administration.

What we do is tax incentives for domestic energy production and to ease the regulations on energy productions.

Third, we have failed to engage the OPEC nations that are actively conducting price-fixing. If these were U.S. companies, we would be prosecuting them for price-fixing under the antitrust laws, but instead we have failed to engage them.

Mr. Speaker, this is a good rule. This bill is a good step in the right direction. I agree with the gentleman who spoke before who said it is not enough. I agree, it is not enough. We need to do something for our domestic oil production, but I think it is time to get the administration off dead center.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my friend, the gentleman from Florida (Mr. DIAZ-BALART), said this is an open rule; we can offer any amendment that is germane.

There is not much that is germane to a press release, Mr. Speaker. That is the problem. If we want to offer something that is real, it is not germane to this press release.

The previous speaker just talked about relief for stripper wells. Well, the gentleman from Texas (Mr. SANDLIN) came up to the Committee on Rules and offered an amendment that would address the problem dealing with production from stripper wells and these folks would not make it in order.

There is nothing germane to this press release other than rhetoric. So that is why an open rule for a press release really does not amount to very much, Mr. Speaker. We have to have real solutions, and those are the real solutions that were offered last night and one by one the Republicans voted five votes against, three votes in favor, of making any of those real solutions in order on the floor today.

Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON. Mr. Speaker, the people in my district care neither about whether proposals are made by Democrats or Republicans. They, frankly, need help.

I can only remind this Congress that Americans should not be forced to make a choice between putting food on their table, putting gas in their vehicle, or heating their homes. We owe it to the American people to include in this debate what we plan to do to provide relief for those families and small businesses affected by the recent spike in oil prices and how we are going to prevent this from occurring again.

I applaud the efforts of the gentleman from New York (Mr. GILMAN), but obviously that bill has been neutered, but it is clear the foreign and domestic sides of this issue are inextricably tied and linked.

I urge my colleagues to vote against the previous question and against this rule so that my colleagues and I can offer amendments to address this crisis.

The foreign and domestic sides of this debate are inextricably linked. I urge my colleagues to vote against this rule so that my colleagues and I can offer our amendments and we can have a real debate about helping people suffering the effects of this crisis. Relief for our constituents should not be silenced on a technicality.

Mr. Speaker, while I applaud this Congress for finally raising the oil price issue on the floor, I am forced to rise today in opposition to this rule on H.R. 3288, the Oil Price Reduction Act. Unfortunately, this rule does not make in order several amendments proposed by my colleagues and me that would also address this important issue.

While the underlying legislation claims provide penalties for foreign countries engaging in oil related anti-competitive activities, my colleagues and I have been blocked from raising the issue of support for the great number of Americans affected by this activity.

Specifically, my amendment would establish a trigger mechanism to force the President to investigate potential price fixing, and make a decision about whether or not to release the SPR if crude oil prices stay above $25 per barrel for two consecutive weeks, and make that decision accountable to Congress with appropriate oversight by the Commerce Committee.

This amendment is based on legislation I introduced earlier, H.R. 3543, the Oil Price

Safeguard Act, that already has 46 bipartisan cosponsors from across the country. My colleague Mr. SANDERS has another equally important amendment that I support that would establish a home heating oil reserve in the Northeast.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding to me this time and commend the Committee on Rules for improving this bill.

Mr. Speaker, I do not have a problem with the rule. I think it should be supported, but I do have a problem with any part of the bill that tries to blame others for the problems we have inflicted on ourselves.

I would remind my colleagues that it was not OPEC who raised taxes on fuel so that now Americans pay 18 cents for every gallon of gasoline, plus State taxes added on top of that to nearly 40 cents a gallon.

It was not OPEC which imposed a windfall profits tax on the domestic energy industry, that took $78 billion out of that industry and cost thousands and thousands of jobs.

It was not OPEC which vetoed the 1999 tax bill that included several modest provisions to try to enhance domestic exploration and production.

It is not OPEC that continues the extensive regulations that increases the cost of production on domestic producers and results in thousands of wells being shut down every year.

It is also not OPEC that prevents us from exploring and drilling in ANWR when ANWR itself provided enough oil to the United States as we import from Saudi Arabia over a 30-year period, and it is certainly not OPEC that hinders the distribution of natural gas to the Northeast where those folks are paying more than they should to heat their homes.

It has not been OPEC that has prevented us from developing a national energy policy.

Mr. Speaker, I think it is kind of like we have fashioned a noose and put it around our own neck and given OPEC the other end of the rope. It should not surprise us that they want to jerk the rope every once in awhile.

The only way out of this is to take our neck out of the noose, and we can only do that by increasing the production domestically of oil and gas and having greater use of natural gas here at home.

There are a number of good proposals that have been made to increase marginal well production, increase exploration, increase domestic production. We have to have a national energy policy from the administration to get that done.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my colleague, the gentleman from Texas (Mr. THORNBERRY) actually has made some very good points. I would remind him that the Republicans on the Committee on Rules did not make in order any amendments to do any of the things that he is suggesting last night either.

If the gentleman from Texas wants to have a vote on those type matters, he could have come to the Committee on Rules. My guess is the Committee on Rules would have rejected his amendments just as they rejected all the other amendments that were offered. And what did the Republicans on the Committee on Rules bring forward? A press release.

I wish the gentleman from Texas (Mr. THORNBERRY) had come forward and asked for votes on some of those matters. It would have been interesting to have a debate on some of those on this floor but the Committee on Rules did not make any of his proposals in order last night, either. That is why this is a terrible, terrible rule the way it is crafted.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this rule. This bill theoretically is supposed to deal with the high price of oil. Unfortunately, it does not do that but it should do that.

In my rural State and all over this country, people are paying astronomically high prices for the fuel that they need to get to work and to do the things that they have to do, but unfortunately this legislation does not address that issue.

As the gentleman from Texas (Mr. FROST) just indicated, last night at the Committee on Rules a number of people from both political parties went before the committee and proposed different ideas in order to discuss the issue and resolve the issue as to how we can lower fuel prices in the United States, but not one of those amendments was allowed on the floor to debate.

I had an amendment which is essentially the legislation that I have offered which now has 94 cosponsors, including many Republicans, which is now supported by the White House, which suggests that in the Northeast we should have a home heating oil reserve so that when production is cut back we can at least draw on something at lower prices to make sure that we do not go through another winter that we just went through where the price of home heating oil zoomed upwards.

This is a sensible proposal. It would have the impact of lowering home heating oil for millions of homeowners throughout the Northeast. Why spread support?

Yet we could not get that bill on the floor for discussion or debate this afternoon.

Furthermore, many of us believe that, in fact, unlike what the previous speaker just indicated, that we do have a problem. Some of us do believe that OPEC bears some of the responsibility for the current crisis. Let us all remember that 9 years ago, it was American servicemen who brought back to power the emirs in Kuwait, who protected the royal family of Saudi Arabia and some of us have a problem with those folks colluding in what is very clearly a violation of any sense of free trade to limit production to force oil prices up in this country, and we think, in fact, and I say this as not a fan of the WTO, that what they have done is in clear violation of WTO rules.

We wanted to discuss that issue, but we did not have that opportunity. Some of us think that the President should go today to the strategic petroleum reserve, withdraw oil from that in order to bring down the prices. Good debate. We are not going to have an opportunity to debate that issue as well.

In other words, there is a whole lot to discuss. We are not going to have the opportunity to have that discussion. Let us vote no on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have an interesting dilemma always in the Committee on Rules when we seek to be fair, and we do a good job of it under the gentleman from California (Chairman DREIER). Some Members, as we have seen, want us to do more. Some want us to do less. One example is the distinguished gentleman from Texas (Mr. BARTON).

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Florida (Mr. DIAZ-BALART) and the Committee on Rules for this rule. They have improved the bill. Unfortunately, they did not quite improve it enough. They did not kill it entirely, but the rule is a fair rule. It is an open rule if the amendment was pre-printed in the report. I will be on the floor speaking against many amendments that were not, raising points of order.

The gentleman from Virginia (Mr. BLILEY) and I asked that the bill be jointly referred to my committee and my subcommittee, the Subcommittee on Energy and Power of the Committee on Commerce, so we could do many of the things that Members have been coming to the floor talking about with such emotion. Unfortunately, that was not made in order so we have to deal with the issue before us.

I want to point out a few basic facts in the one minute that I have left. First of all, the price of oil is going down. The New York market, spot market today, is $27.50 a barrel. It was $32.42 a barrel about a week ago, so it has fallen about 22 percent.

We expect when OPEC meets in Vienna next Monday, which I asked to go to take a group of Congressmen on a bipartisan basis, and the Secretary of Energy said I should not go, just to give that little fact, we think they are

going to announce increased production quotas and that the price will fall further.

I also want to point out that the underlying theme of this bill is that somehow if we rattle our saber the world will quake in fear.

Let me point out two facts. The United States has 21 billion barrels of proven reserve out of the 1,033,000,000. That is about 2 percent. We produce about 8½ million barrels a day. We import about 8 million barrels a day.

The amount of foreign aid and military aid that we give to the OPEC countries is less than $200 million; $197.9 million. That is one day's imports, less than one day's imports.

This bill, even if it were to pass and have teeth, would do nothing but alienate our allies.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would commend the gentleman from Texas (Mr. BARTON) who just spoke. It is very clear this legislation should have been referred to his committee so that at least we could have something real rather than this matter before us which really is an empty vessel.

I wish the House leadership had acceded to the request of the gentleman from Texas (Mr. BARTON) and referred it to the committee where it should have been in the first place.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I am going to call this the stay tuned rule, and I call it the stay rule because we are talking about this being an open rule, pre-printed amendments and we go on about that.

The problem is that what is going to happen in the next hour or so is we are all going to get up and we are going to offer our amendments, and we are going to be told that they are nongermane; that they are not and will not work within this piece of legislation.

Well, that is fine, except for the fact that I will agree with my colleagues that we should have gone to committee to talk about these issues because we all feel passionately about it.

I do not think anybody on this floor wants to go home and face angry people about the prices in this country. We know what it is costing them. We know what it is costing our senior citizens. We know what it is costing to get goods to service.

□ 1545

We understand that. There is nobody that feels as passionately about that as any of us here in Congress. But the fact of the matter is, you know, the last crisis we had was 20 years ago; and we have had opportunities over the past 20 years to try to solve these problems.

There are pieces of legislation that have been introduced in this Congress that have been introduced in the last couple of Congresses. I am just going to bring one to you that I think needs some attention and has needed some attention and has a bipartisan caucus in this Congress, and that is for renewable energies.

We have got to look at making energy-efficient technology more attractive. We have a tax bill, an incentive bill, a $3.6 billion tax incentive that would in fact do that. We actually put it before the committee last night.

Again, I am going to tell you, stay tuned, because when I offer it in the next hour or so, I am going to be told it is nongermane. But it would in fact do what we have all talked about over the years. Let us look at wind power, biomass. Why are we not looking at how and what best incentives we can give to our families and our businesses and reduce energy costs. I am talking about tax credits.

You will hear more about this, Mr. Speaker. But I just want you to know, stay tuned.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, higher fuel prices have some common denominators: diplomatic efforts, foreign policy, support of the military, environmental extremists.

First of all I would ask you to look at Ronald Reagan. Strong diplomacy, strong foreign policy, strong on the military, and a conservationist.

Let us go to Jimmy Carter. Look at the long gas lines we had with a weak diplomatic effort, even weaker foreign policy. He destroyed the military, an extremist on the environmental scene. We had long gas lines.

Let us look at George Bush, Sr. Remember Desert Storm where we supported OPEC, and what happened to the fuel crisis?

Now let us go to the Clinton-Gore administration. Weak foreign policy in China, Kosovo, Sudan, Mexico, and the Spratleys.

I take a look at the presidential candidates that we have coming up. Who is going to be strong on the military? Who is going to be strong on foreign policy? Who is going to be strong in a conservationist versus an environmentalist extremist?

But the bottom line is, who is hurt from this? Our truckers are having to stall their trucks. People and goods are going up. The folks that you fight for for LIHEAP in the Northeast, the higher costs.

But how dare Saudi Arabia, how dare Kuwait and Qatar, after we had men and women die for them. Yet the President has not had a foreign policy. That is what we are asking the President to do. We feel that there has been a weak foreign policy and even weaker support of the military. Our allies laugh at us.

If you look at the DNC and the China policy, from giving coal, giving coal to Riady and cancelling Utah, and guess where they have that produced? In China. Look at NAFTA.

I would tell the gentleman that weak foreign policy, weak military, is not going to hack it; and we want the President to report on what he is going to do to change these around, because he has not done it so far.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong opposition to this rule. As a cosponsor of H.R. 3822, I agree that we need to engage in more forceful diplomacy with OPEC. However, this rule eliminates the section of the bill that authorizes the President to suspend foreign military and economic assistance to OPEC countries. That makes no sense to me. Getting tough with OPEC without touching their foreign aid is a little bit like dangling that carrot without a stick.

Mr. Speaker, there is no question that we are being taken to the cleaners by OPEC. In the last 15 months this cartel has made a concerted effort, regardless of our protests, to undermine the global supply of oil, with no end in sight. It is time for Congress to act, not to pass a bill that merely instructs the President to conduct additional negotiations.

I cannot think of a better tool to leverage OPEC into boosting oil production than leveraging our foreign aid. Make no mistake about it, we send a lot of money and tens of thousands of young Americans to preserve the stability in the Persian Gulf every year. I am tired of waiting for the oil prices to drop to a reasonable level. If OPEC wants to play hard ball, we should too. I urge my colleagues to oppose this rule and support the original intent of H.R. 3822.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, let me point out that I am supporting this rule. I know my colleagues will find excuses to vote against it, but it is the beginning of the dialogue. It is not an end-all. You know it is not going to be the end-all. But we need to have a dialogue about the fact that the energy issue has not gotten its fair share of time, and it has not gotten its fair share of attention.

My colleagues may want to say it has not gotten enough in the House of Representatives; but let us face it, it has not been a priority at the other end of Pennsylvania Avenue either. I think both sides can say there is more we need to do, and we need to be more comprehensive.

I ask my colleagues on the other side of the aisle, you have to admit that this week, when the administration announces that it is going to pull the trade embargo off of Iran and then announce they are going to do it for caviar and Persian rugs, but not for oil, you have got to say, now, wait a

minute. No matter whether Democrat or Republican, you have to say, what are the priorities of our trade negotiators, what are the priorities of our foreign policy, when we say we are going to announce to the American people, Don't worry, the Persian rugs and the caviar is on its way, but the oil is going to continue to be under injunction, under restriction.

Let me just say, can we at least admit that when the administration goes and talks about what they are going to allow Americans to trade in and what we are going to allow into the United States, that it is kind of ridiculous at this time and place that we are allowing caviar and Persian rugs and not oil?

I think all of us want to say we represent the working people of America. Here is a place where the administration and Congress can come together and say, doggone it, the American people need affordable oil more than any caviar and they need Persian rugs. Now, I do not know who lobbied the administration for this. I do not know who said this.

You can say all you want about campaign contributions on either side of the aisle. I do not know where this priority came from. But I would ask both of us, Democrats and Republicans, to ask the administration to reconsider their priorities when they are talking about what the American people need.

All I have got to say to my colleagues from all over this country, you sit here and complain about the price of gasoline. California has been putting up with this way too long, and we have been asking for 5 years for relief. Why do you not join all of us together to address the issue.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I find this whole thing kind of baffling, quite frankly. If the Members on the other side wanted to have a press conference bashing the President, why did they not go back to a gas station or why did they not go up to the press gallery? Why are they taking the time of the House to do this, rather than voting on legislation that means something?

This is an interesting waste of our time this afternoon. The Committee on Rules has been upstairs trying to fashion a rule for the budget. Why do we not spend our time dealing with the budget of the United States? Why do we not spend our time with actual legislation, rather than coming down here and giving speeches and not legislating?

That is all this is. That is all we are doing today. We are not passing anything or considering anything that makes any difference at all, that has any force of law. It just makes my friends on the other side feel good so they can come down to the floor of the House and attack the President of the United States.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I must reluctantly oppose this rule because it is a monument to inaction. It guarantees inaction on Alaska oil for Americans, it guarantees inaction for sanctions against countries that are using monopolistic policies against us, and, one you have not heard today, it guarantees inaction on improving oil tanker safety.

Let me share with you some bad news about oil tanker safety that occurred about a week ago. About a week ago the U.S. Supreme Court knocked a big hole in our national and State ability to guarantee oil tanker safety, because in a ruling involving the State of Washington the Supreme Court said that States, including the State of Washington, could not include very common sense environmental provisions for their oil tankers.

In Washington we had a provision that had a real common sense rule. It said you had to have somebody that could speak English on the bridge of a supertanker when you ply the waters of the State of Washington. Common sense? Legal? According to the Supreme Court, no. We attempted to fix that by an amendment that we will not be able to offer, blocked by this rule, which will guarantee inaction. I would urge my colleagues to join me in future efforts to plug that hole in our safety net, to allow safe environmental measures on oil tankers.

Let me just close by a story from Winston Churchill, a good Tory conservative, who in World War II had a little 3 by 5 card on his desk. It was sort of his rule for World War II. It said ''action this day.''

This rule guarantees a continuation of the policies of this year, which is inaction this year. Let us defeat this rule and get some action on this issue.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of the rule and the bill.

Mr. Speaker, I rise in strong support of the rule and in strong support of the bill offered by my colleague from New York, Mr. GILMAN.

The citizens in my district and across the Northeast have struggled this winter to pay for their heating bills because of the extraordinary recent spikes in the price of home heating oil. The price of diesel fuel rose sharply, too, delivering a severe economic blow to farmers, truckers, and businesses. It's been a rough winter for the Northeast.

Unfortunately, it looks like we're not in the clear yet. Gasoline prices are steadily rising and experts predict steeper prices yet during the peak driving season this summer, making this winter's crisis seem, in the words of one expert, ''like a cakewalk'' by comparison.

Are these exorbitant energy prices simply the outcome of free market forces, the perpetual balancing of supply and demand? No. The United States is being held hostage by oil producing countries—many of whom have accepted generous U.S. assistance in the past. These same countries have colluded to slash oil production, distort the market, and drive up the price of oil, which has climbed to over $30 a barrel, up from $12 a barrel around this time last year.

When oil producing countries engage in international price-fixing activities, when they manipulate the price of oil on the world market to the detriment of the U.S. economy, when American taxpayers are directly hurt by their anti-competitive activities, Americans should not have to send their hard-earned taxpayer dollars overseas to help those very same countries.

I support the bill that would make this our policy. I support the rule, and I urge my colleagues to support them both as well.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his leadership on this important issue. I rise in support of the Oil Price Reduction Act.

Let us face it, the Clinton Administration has been asleep at the switch. Last month the administration's point man on the fuel crisis, Energy Secretary Bill Richardson, said, ''It is obvious that the Federal Government was not prepared. We were caught napping. We got complacent.''

Complacent indeed. While the Clinton administration was napping over the last 12 months, the price of crude oil has tripled, and the American people were paying the price. That price continues to rise every day.

This legislation has been drafted to assist the administration in its negotiations with those nations who have deliberately damaged the American economy by engaging in crude oil price-fixing. Hopefully, passage of the Oil Price Reduction Act will send a wake-up call to the slumbering Clinton administration and a strong message to those nations whose business practices are harming the American economy. I urge my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I guess the preceding speaker must have missed what the Committee on Rules did last night. What the preceding speaker was asking was that a message be sent to the OPEC nations. The Committee on Rules deleted that message from this bill last night.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine, Mr. BALDACCI.

Mr. BALDACCI. Mr. Speaker, I thank the ranking member for his leadership and to try as hard as he did in trying to make sure that this bill was much more comprehensive than what it has before us.

I oppose this rule. It is not an open rule. It allows for points of order to be made against amendments that we offer.

We in the Northeast have been suffering with a heating oil shortage. We have been suffering as far as higher prices and trying to make sure people could afford to be able to stay in their homes, then to have it translated to a gasoline price spike, and to see how people who are having a hard time getting back and forth to work.

Maine is a rural State. We do not have mass transit. Energy issues are important to us. Not to be able to allow amendments that dealt with energy conservation, weatherization, not to deal with issues that dealt with the heating oiling reserve so we would not be confronted with this problem again, is again I believe not being very responsive.

It is very unfortunate that the majority has not allowed for these amendments to be made in order. It is very unfortunate that we have not been able to deal with this very serious matter which people in Maine and the Northeast are feeling the pinch of and are depending upon their representatives to work together to come up with some comprehensive energy policy and not some weak study which leaves it up to whoever, we do not know who it leaves it up to, to be responsive to the Congress.

We have got to get off foreign oil dependence. This legislation does not do anything about that. The leadership on the other side has cut fuel efficiency standards, they have cut energy conservation, they have cut research and development, and they even wanted to abolish the Department of Energy. What kind of an answer is that to the American public that is wondering what kind of future there is going to be for us, and to making sure we are not being held hostage to any foreign country.

Nothing in this legislation is going to deal with this kind of thing. We have got to be able to work together to come up with a bipartisan comprehensive approach that deals with both the short-term problem and also the long-term problem, because the sequels to this energy situation do not get any better than the original movie.

□ 1600

Mr. DIAZ-BALART. Mr. Speaker, I would inquire of the distinguished gentleman from Texas (Mr. FROST) if he has any remaining speakers.

Mr. FROST. Mr. Speaker, we have one remaining speaker, and then I will close.

I would inquire of the Chair how much time remains.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. FROST) has 1½ minutes remaining; the gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I wanted to take a moment today to express my displeasure with the fact that the Committee on Rules refused to waive points of order against all Democratic amendments to this bill, including mine. Had we been able to consider my amendment, we would be discussing the merits of temporarily suspending a 24.4 percent gasoline Federal tax on diesel fuel.

I drafted this repeal in the diesel tax first as a freestanding bill and then as an amendment to this bill because I was hopeful that this body would be inclined to consider the role of the Federal Government in protecting American consumers from a small and manipulative price-gouging cartel, many Members of which are U.S. allies and recipients of our foreign aid largesse.

While I am disappointed that we will not consider my amendment today, I do encourage the Clinton administration to aggressively push the OPEC members to increase production, and at the same time I urge my colleagues that we reexamine our national energy strategy so that we will not find ourselves hostage to foreign producers ever again.

It is disingenuous for someone to come here and argue that nothing is being done at this point.

Mr. FROST. Mr. Speaker, I yield myself the remaining 30 seconds.

Mr. Speaker, I am inserting into the RECORD at this point the amendments I will offer if the previous question is defeated.

PREVIOUS QUESTION FOR H. RES.—H.R. 3822
OIL PRICE REDUCTION ACT OF 2000

At the end of the resolution add the following new sections:

''SEC. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 3 of this resolution. Each amendment may be offered only by the proponent specified in section 3 or a designee, shall be considered as read and shall be debatable for 10 minutes, equally divided between the proponent or an opponent.

''SEC. 3. The amendment described in section 2 are as follows:

H.R. 3822

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 1: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or ''swaps'') or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused; and

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner.

H.R. 3822

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 2: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or ''swaps'') or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused;

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner; and

(3) Congress should immediately pass, and the President should sign into law, legislation to reauthorize the Energy Policy and Conservation Act and extend the President's authority to release oil from the Strategic Petroleum Reserve.

H.R. 3822

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: Page 8, after line 2, insert the following:

(d) LEVERAGE TO SUCCEED IN DIPLOMATIC EFFORTS TO END PRICE FIXING.—In order to increase the chances of diplomatic efforts succeeding to bring about the complete dismantlement of international oil price fixing, the President shall immediately enter into agreements with members of the oil industry for the swap of crude oil from the Strategic Petroleum Reserve for both crude oil and 6,700,000 barrels of home heating oil at a later date. Such arrangements shall provide that—

(1) when the price of crude oil drops below $25 per barrel for a period of two consecutive weeks, the oil industry shall replenish crude oil to the Strategic Petroleum Reserve; and

(2) when the price of heating oil drops below $1.00 per gallon for a period of two consecutive weeks, the oil industry shall provide the President with 6,700,000 barrels of home heating oil for the purposes of establishing a Home Heating Oil Reserve.

Once the President starts receiving heating oil pursuant to such agreements, the President shall create a heating oil reserve containing 2,000,000 barrels of heating oil in leased storage facilities in Albany, New York, the New York Harbor area, or any other appropriate location in the Northeast. The President shall deposit the remaining 4,700,000 barrels of heating oil received pursuant to such agreements in one of the Strategic Petroleum Reserve caverns. The President shall immediately draw down the Heating Oil Product Reserve (consisting of home

heating oil received pursuant to agreements under this subsection) only when fuel oil prices in any region of the United States rise sharply because of international oil price fixing or any other anticompetitive activity, during a national or regional fuel oil shortage, or during periods of national or regional extreme winter weather. There are authorized to be appropriated $25,000,000 to the Secretary of Energy for the period encompassing fiscal years 2000 through 2019 for the purposes of carrying out this subsection.

H.R. 3822

OFFERED BY: MR. BALDACCI

AMENDMENT NO. 5: At the end of the bill insert the following new sections:

SEC. 8. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

''(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component, and any energy efficient heating, cooling, or water heating appliance, the installation of which, by itself or in combination with other such components or appliances, is certified to improve the annual energy performance of the existing home by at least 30 percent, if—

''(1) such component or appliance is installed in or on a dwelling—

''(A) located in the United States, and

''(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

''(2) the original use of such component or appliance commences with the taxpayer, and

''(3) such component or appliance reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such improvements, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited home energy rating system provider).

''(e) SPECIAL RULES.—

''(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

''(2) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) APPLICATION OF SECTION.—Subsection (a) shall apply to qualified energy efficiency improvements installed during the period beginning on January 1, 2000, and ending on December 31, 2004.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 23 of such Code is amended by striking ''and section 1400C'' and inserting ''and sections 25B and 1400C''.

(2) Subparagraph (C) of section 25(e)(1) of such Code is amended by striking ''and 1400C'' and inserting '', 25B, and 1400C''.

(3) Subsection (d) of section 1400C of such Code is amended by inserting ''and section 25B'' after ''other than this section''.

(4) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(f), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Energy efficiency improvements to existing homes.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1999.

SEC. 9. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 45C the following new section:

"SEC. 45D. ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible small business, the energy efficiency improvement credit determined under this section for the taxable year is an amount equal to 20 percent of the basis of each qualified energy efficiency improvements placed in service during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by this section for the taxable year shall not exceed $2,000.

''(2) COORDINATION WITH REHABILITATION AND ENERGY CREDITS.—For purposes of this section—

''(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

''(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means any person engaged in a trade or business if the average annual gross receipts of such person (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

''(2) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The term 'qualified energy efficiency improvements' means any energy efficient property the installation of which, by itself or in combination with other such property, is certified to improve the annual energy performance of the structure to which it relates by at least 30 percent, if—

''(A) such property is installed in or on a structure located in the United States,

''(B)(i) the construction, reconstruction, or erection of such property is completed by the taxpayer, or

''(ii) such property which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to such property, and

''(D) such property reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such property, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited energy rating system provider).

''(3) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means—

''(A) any energy efficient building envelope component, and

''(b) any energy efficient heating, cooling, or water heating appliance.

''(d) APPLICATION OF SECTION.—Subsection (a) shall apply to property placed in service during the period beginning on January 1, 2000, and ending on December 31, 2004.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end thereof the following new paragraph:

''(13) in the case of an eligible small business (as defined in section 45D(c)), the energy efficiency improvement credit determined under section 45D.''.

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR SMALL BUSINESS ENERGY EFFICIENCY IMPROVEMENT CREDIT.—

''(A) IN GENERAL.—In the case of the energy efficiency improvement credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraph (A) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy efficiency improvement credit).

''(B) ENERGY EFFICIENCY IMPROVEMENT CREDIT.—For purposes of this subsection, the term 'energy efficiency improvement credit' means the credit allowable under subsection (a) by reason of section 45D.''.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting ''or the energy efficiency improvement credit'' after ''employment credit''.

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

''(9) NO CARRYBACK OF ENERGY EFFICIENCY IMPROVEMENT CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45D may be carried back to any taxable year ending before the date of the enactment of section 45D.''.

(e) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Subsection (c) of section 196 of such Code is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting '', and'', and by adding after paragraph (8) the following new paragraph:

''(9) the energy efficiency improvement credit determined under section 45D.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

''Sec. 45D. Energy efficiency improvements by small businesses.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 6: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that the President should use authority provided under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) to release petroleum from the Strategic Petroleum Reserve when oil and gas prices in the United States have risen sharply because of international oil price fixing activities, particularly activities by the member nations of OPEC and their allies.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 7: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) international oil price fixing results in wide price fluctuations, which are not beneficial to the United States economy;

(2) higher oil and gas prices mean United States consumers pay more for their home heating bills and more for gasoline to drive their cars;

(3) these inflated prices affect all areas of the United States economy, but have a particularly adverse impact on our senior citizens; and

(4) the President should use all powers necessary to reduce United States domestic oil and gas prices when international anticompetitive practices by the member nations of OPEC adversely affect the price paid by American consumers.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 8: Insert the following after section 6 and redesignate the succeeding section accordingly:

SEC. 7. SUSPENSION OF EXPORTS OF ALASKAN NORTH SLOPE CRUDE OIL.

(a) SUSPENSION.—Effective on the date of the enactment of this Act—

(1) subsection (s) of section 28 of the Mineral Leasing Act (30 U.S.C. 185(s)) shall cease to be effective; and

(2) subsection (d) of section 7 of the Export Administration Act of 1999 (50 U.S.C. App 2406(d)) shall be effective, notwithstanding section 20 of that Act.

(b) ADMINISTRATION.—The President may exercise the authorities he has under the International Emergency Economic Powers Act to carry out subsection (a).

(c) LIFTING OF SUSPENSION.—If the President determines that the United States is not experiencing a shortage of foreign crude oil and an inflationary impact due to the demand for foreign crude oil, subsections (a) and (b) shall cease to apply 30 calendar days after the President submits that determination to the Congress.

H.R. 3822

OFFERED BY: MR. DINGELL

AMENDMENT NO. 9: Page 8, after line 8, insert the following new section:

SEC. 7. ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION.

(a) TITLE I.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 166 (42 U.S.C. 6246)—

(A) by inserting ''through 2003'' after ''2000''; and

(B) by striking '', to remain available only through March 31, 2000''; and

(2) in section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003''.

(b) TITLE II.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting ''through 2003'' after ''1997''; and

(2) in section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003''.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. HOBSON

AMENDMENT NO. 10: At the end of the bill insert the following new section:

SEC. 8. REPEAL OF 1993 INCREASES IN MOTOR FUEL TAXES.

(a) HIGHWAY GASOLINE.—Clause (i) of section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''18.3 cents'' and inserting ''14 cents''.

(b) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking ''19.3 cents'' and inserting ''15 cents''.

(c) DIESEL FUEL AND KEROSENE.—Clause (iii) of section 4081(a)(2)(A) of such Code is amended by striking ''24.3 cents'' and inserting ''20 cents''.

(d) AVIATION FUEL.—Paragraph (1) of section 4091(b) of such Code is amended by striking ''21.8 cents'' and inserting ''17.5 cents''.

(e) FUEL USED ON INLAND WATERWAYS.—

(1) Paragraph (1) of section 4042(b) of such Code is amended by adding ''and'' at the end of subparagraph (A), by striking '', and'' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) Paragraph (2) of section 4042(b) of such Code is amended by striking subparagraph (C).

(f) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 40(e)(1) of such Code is amended by striking ''during which the rates of tax under section 4081(a)(2)(A) are 4.3 cents per gallon'' and inserting ''during which the rate of tax under section 4081(a)(2)(A)(i) does not apply''.

(2) Subparagraph (A) of section 4041(a)(1) of such Code is amended by striking ''or a diesel-powered train'' each place it appears and by striking ''or train''.

(3) Subparagraph (C) of section 4041(a)(1) of such Code is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(4) Subclause (I) of section 4041(a)(1)(C)(ii) of such Code, as redesignated by paragraph (3), is amended by striking ''7.3 cents'' and inserting ''3 cents'' and by striking ''4.3 cents per gallon'' and inserting ''zero''.

(5) Subsection (a) of section 4041 of such Code is amended by striking paragraph (3).

(6) Subparagraph (C) of section 4041(b)(1) of such Code is amended by striking all that follows ''section 6421(e)(2)'' and inserting a period.

(7) Subparagraph (B) of section 4041(a)(2) of such Code is amended by striking all that follows clause (i) and inserting the following new clauses:

''(ii) 10.4 cents per gallon in the case of liquefied petroleum gas, and

''(iii) 9.1 cents per gallon in the case of liquefied natural gas.''

(8) Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

''(3) TERMINATION.—The rate of the taxes imposed by paragraph (1) shall be zero after September 30, 2007.''

(9) Subsection (d) of section 4041 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

''(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

''(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081.''

(10) Clauses (i) and (ii) of section 4041(m)(1)(A) of such Code are amended to read as follows:

''(i) 7 cents per gallon on and after the date of the enactment of this clause and before October 1, 2005, and

''(ii) zero after September 30, 2005, and''.

(11) Subsection (c) of section 4081 of such Code is amended by striking paragraph (6) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(12) Paragraphs (1) and (2) of section 4081(d) of such Code are amended to read as follows:

''(1) IN GENERAL.—The rates of tax specified in clauses (i) and (iii) of subsection (a)(2)(A) shall be zero after September 30, 2005.

''(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be zero after September 30, 2007.

(13) Subsection (f) of section 4082 of such Code is amended by striking ''section 4041(a)(1)'' and inserting ''subsections (d)(3) and (a)(1) of section 4041, respectively''.

(14) Paragraph (3) of section 4083(a) of such Code is amended by striking ''or a diesel-powered train''.

(15) Subparagraph (A) of section 4091(b)(3) of such Code is amended to read as follows:

''(A) The rate of tax specified in paragraph (1) shall be zero after September 30, 2007.''

(16) Paragraph (1) of section 4091(c) of such Code is amended—

(A) by striking ''14 cents'' and inserting ''9.7 cents'',

(B) by striking ''13.3 cents'' and inserting ''9 cents'',

(C) by striking ''13.2 cents'' and inserting ''8.9 cents'',

(D) by striking ''13.1 cents'' and inserting ''8.8 cents'', and

(E) by striking ''13.4 cents'' and inserting ''9.1 cents''.

(17) Subsection (c) of section 4091 of such Code is amended by striking paragraph (4), and by redesignating paragraph (5) as paragraph (4).

(18) Subsection (b) of section 4092 of such Code is amended by striking ''attributable to'' and all that follows and inserting ''attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section. For purposes of the preceding sentence, the term 'commercial aviation' means any use of an aircraft other than in noncommercial aviation (as defined in section 4041(c)(2)).''

(19) Subparagraph (B) of section 6421(f)(2) of such Code is amended by striking ''and,'' and all that follows and inserting a period.

(20) Paragraph (3) of section 6421(f) of such Code is amended to read as follows:

''(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081.''

(21) Subparagraph (A) of section 6427(b)(2) of such Code is amended by striking ''7.4 cents'' and inserting ''3.1 cents''.

(22) Paragraph (3) of section 6427(l) of such Code is amended to read as follows:

''(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof.''

(23) Paragraph (4) of section 6427(l) of such Code is amended by striking ''attributable to'' and all that follows through the period and inserting ''attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section.''

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of the enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of the enactment of this Act, based on a request submitted to the taxpayer before the date which is 3 months after such date of enactment, by the dealer who held the liquid on such date of enactment, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(i) EXCLUSION OF EFFECTS OF THIS SECTION FROM THE PAYGO SCORECARD.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates of changes in receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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OFFERED BY: MR. LARSON

AMENDMENT NO. 11: Page 8, after line 8, insert the following new section:

SEC. 7. OIL PRICE SAFEGUARDS.

(a) DRAWDOWN OF STRATEGIC PETROLEUM RESERVE.—Section 161(d) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)) is amended by adding at the end the following:

''(3) REDUCTION IN SUPPLY CAUSED BY ANTICOMPETITIVE CONDUCT.—

''(A) IN GENERAL.—For the purposes of this section, in addition to the circumstances set forth in section 3(8) and in paragraph (2) of this subsection, a severe energy supply interruption shall be deemed to exist if the President determines that—

''(i) there is a significant reduction in supply that—

''(I) is of significant scope and duration; and

''(II) has caused a significant increase in the price of petroleum products;

''(ii) the increase in price is likely to cause a significant adverse impact on the national economy; and

''(iii) a substantial cause of the reduction in supply is the anticompetitive conduct of 1 or more foreign countries or international entities.

''(B) DEPOSIT AND USE OF PROCEEDS.—Proceeds from the sale of petroleum drawn down pursuant to a Presidential determination under subparagraph (A) shall—

''(i) be deposited in the SPR Petroleum Account; and

''(ii) be used only for the purposes specified in section 167.''.

(b) REPORTING AND CONSULTATION REQUIREMENTS.—If the price of a barrel of crude oil exceeds $25 (in constant 1999 United States dollars) for a period greater than 14 days, the President, through the Secretary of Energy, shall, not later than 30 days after the end of the 14-day period, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a report that—

(1) states the results of a comprehensive review of the causes and potential consequences of the price increase;

(2) provides an estimate of the likely duration of the price increase, based on analyses and forecasts of the Energy Information Administration;

(3) provides an analysis of the effects of the price increase on the cost of home heating oil; and

(4) states whether, and provides a specific rationale for why, the President does or does not support the drawdown and distribution of a specified amount of oil from the Strategic Petroleum Reserve.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MRS. THURMAN

AMENDMENT NO. 20: Add at the end thereof the following new title:

TITLE II—ENERGY EFFICIENT TECHNOLOGY TAX INCENTIVES

SEC. 201. SHORT TITLE.

This Act may be cited as the ''Energy Efficient Technology Tax Act''.

SEC. 202. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48 the following new section:

''SEC. 48A. ENERGY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

''(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

''(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

''(b) ENERGY PERCENTAGE.—

''(1) IN GENERAL.—The energy percentage shall be determined in accordance with the following table:

''Column A—Description	Column B—Energy Percentage	Column C—Period	
		For the period:	
In the case of:	The energy percentage is:	Beginning on:	Ending on:
Solar energy property (other than elected solar hot water property and photovoltaic property) and geothermal energy property	10 percent	1/1/2000	no end date
Elected solar hot water property	15 percent	1/1/2000	12/31/2004
Photovoltaic property	15 percent	1/1/2000	12/31/2006

''Column A—Description	Column B—Energy Percentage	Column C—Period	
In the case of:	The energy percentage is:	For the period:	
		Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Combined heat and power system property	8 percent	1/1/2000	12/31/2002.

''(2) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any energy property, the energy percentage shall be zero for any period for which an energy percentage is not specified for such property under paragraph (1).

''(3) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

''(4) TRANSITIONAL RULES.—Rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

''(c) MAXIMUM CREDIT FOR CERTAIN PROPERTY.—In the case of property described in the following table, the amount of the current year business credit under subsection (a) for the taxable year for each item of such property with respect to a building shall not exceed the amount specified for such property in such table:

Description of property:	**Maximum allowable credit amount is:**
Elected solar hot water property	$1,000.
Photovoltaic property with respect to which the energy percentage is greater than 10 percent	$2,000.
20 percent energy-efficient building property:	
fuel cell described in subsection (e)(3)(A)	$500 per each kw/hr of capacity.
natural gas heat pump described in subsection (e)(3)(D)	$1,000.
20 percent energy-efficient building property (other than a fuel cell and a natural gas heat pump)	$500.
10 percent energy-efficient building property	$250.

''(d) ENERGY PROPERTY DEFINED.—

''(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

''(A) which is—

''(i) solar energy property,

''(ii) geothermal energy property,

''(iii) 20 percent energy-efficient building property,

''(iv) 10 percent energy-efficient building property, or

''(v) combined heat and power system property,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which meets the performance and quality standards (if any), and the certification requirements (if any), which—

''(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate), and

''(ii) are in effect at the time of the acquisition of the property.

''(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990). The preceding sentence shall not apply to combined heat and power system property.

''(e) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

''(1) SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy—

''(i) to generate electricity,

''(ii) to heat or cool (or provide hot water for use in) a structure, or

''(iii) to provide solar process heat.

''(B) ELECTED SOLAR WATER HEATING PROPERTY.—

''(i) IN GENERAL.—The term 'elected solar water heating property' means property which is solar energy property by reason of subparagraph (A)(ii) and for which an election under this subparagraph is in effect.

''(ii) ELECTION.—For purposes of clause (i) and the energy percentage specified in the table in subsection (b)(1), a taxpayer may elect to treat property described in clause (i) as elected solar water heating property.

''(C) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means solar energy property which uses a solar photovoltaic process to generate electricity.

''(D) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

''(E) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

''(2) GEOTHERMAL ENERGY PROPERTY.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

''(3) 20 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '20 percent energy-efficient building property' means—

''(A) a fuel cell that—

''(i) generates electricity and heat using an electrochemical process,

''(ii) has an electricity-only generation efficiency greater than 35 percent, and

''(iii) has a minimum generating capacity of 5 kilowatts,

''(B) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater,

''(C) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 15 or greater,

''(D) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.70 for cooling,

''(E) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 15 or greater, and

''(F) an advanced natural gas water heater that has an energy factor of at least 0.80.

''(4) 10 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '10 percent energy-efficient building property' means—

''(A) an electric heat pump that has a heating system performance factor (HSPF) of 7.5 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

''(B) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater, and

''(C) an advanced natural gas water heater that has an energy factor of at least 0.65.

''(5) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

''(iii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy, and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof), and

''(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities).

''(B) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

''(II) the denominator of which is the lower heating value of the primary fuel source for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include

property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(iv) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

''(v) DEPRECIATION.—No credit shall be allowed for any combined heat and power system property unless the taxpayer elects to treat such property for purposes of section 168 as having a class life of not less than 22 years.

''(f) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

''(1) CREDIT AMOUNT.—

''(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

''Applicable percentage		Credit amount is:
Greater than or equal to—	Less than—	
5 percent	10 percent	$ 500
10 percent	20 percent	$1,000
20 percent	30 percent	$1,500
30 percent		$2,000

''(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

''Applicable percentage		Credit amount increase is:
Greater than or equal to—	Less than—	
20 percent	40 percent	$ 250
40 percent	60 percent	$ 500
60 percent		$1,000

''(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

''(A) A consumable fuel.

''(B) A rechargeable energy storage system.

''(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

''(4) AUTOMOBILE.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

''(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

''(A) any property for which a credit is allowed under section 25B or 30,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(6) REGULATIONS.—

''(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

''(B) ENVIRONMENTAL PROTECTION AGENCY.—

''(A) TREASURY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

''(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

''(g) SPECIAL RULES.—For purposes of this section—

''(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

''(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

''(i) subsidized energy financing, or

''(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103,

the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

''(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

''(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

''(ii) the denominator of which is the basis of the property.

''(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

''(2) BUSINESS USE.—The rule similar to the rule of section 25(B)(d)(5)(B) shall apply for purposes of determining the business use of a vehicle.

''(3) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(4) DOUBLE BENEFIT.—Property which would, but for this paragraph, be eligible for credit under more than one provision of this section shall be eligible only under one such provision, the provision specified by the taxpayer.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 48 of such Code is amended to read as follows:

''SEC. 48. REFORESTATION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 10 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

''(b) DEFINITIONS.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194.''.

(2) Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

''(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.''.

(3) Paragraph (3) of section 50(c) of such Code is amended by adding at the end the following flush sentence:

''In the case of the energy credit, the preceding sentence shall apply only to so much of such credit as relates to solar energy property and geothermal property (as such terms are defined in section 48A(e)).''.

(4) Subclause (III) of section 29(b)(3)(A)(i) of such Code is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48A(g)(1)(C)''.

(5) Subparagraph (E) of section 50(a)(2) of such Code is amended by striking ''section 48(a)(5)'' and inserting ''section 48A(g)(3)''.

(6) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) in clause (vi)(I)—

(i) by striking ''section 48(a)(3)'' and inserting ''paragraphs (1) and (2) of section 48A(e)'', and

(ii) by striking ''clause (i)'' and inserting ''paragraph (1)(A)'', and

(B) in the last sentence by striking ''section 48(a)(3)'' and inserting ''section 48A(d)(2)''.

(7) Subparagraph (E) of section 168(e)(3) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '',

and'', and by inserting after clause (iii) the following new clause:

''(iv) any combined heat and power system property (as defined in section 48A(e)(5)) for which a credit is allowed under section 48A and which, but for this clause, would have a recovery period of less than 15 years.''.

(8) The table contained in subparagraph (B) of section 168(g)(3) of such Code is amended by adding at the end the following:

''(E)(iv) ..... 22''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new items:

''Sec. 48. Reforestation credit.

''Sec. 48A. Energy credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (f) of section 30 of such Code (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

(b) REPEAL OF PHASEOUT.—Subsection (b) of section 30 of such Code (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) NO DOUBLE BENEFIT.—

(1) Subsection (d) of section 30 of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

''(5) No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(f).''.

(2) Paragraph (3) of section 30(d) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(3) Paragraph (5) of section 179A(e) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 204. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) EXTENSION.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by striking ''July 1, 1999'' and inserting ''July 1, 2004''.

(b) QUALIFIED FACILITIES INCLUDE ALL BIOMASS FACILITIES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) of such Code (relating to definition of qualified energy resources) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B), and by inserting after subparagraph (B) the following:

''(C) biomass (other than closed-loop biomass).''.

(2) BIOMASS DEFINED.—Paragraph (2) of section 45(c) of such Code is amended to read as follows:

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) closed-loop biomass, and

''(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

''(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

''(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

''(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.''.

(c) ELECTRICITY PRODUCED FROM BIOMASS CO-FIRED IN COAL PLANTS.—

(1) CREDIT AMOUNT.—Paragraph (1) of section 45(a) of such Code (relating to general rule) is amended by inserting ''(1.0 cents in the case of electricity produced from biomass co-fired in a facility which produces electricity from coal) after ''1.5 cents''.

(2) QUALIFIED FACILITY.—Paragraph (3) of section 45(c) of such Code (relating to definitions) is amended by striking the period at the end and inserting the following: '', and any facility using biomass other than closed loop biomass to produce electricity which is owned by the taxpayer and which is originally placed in service after June 30, 1999.''.

(3) ADJUSTMENT FOR INFLATION.—

(A) IN GENERAL.—Paragraph (2) of section 45(b) of such Code (relating to credit and phaseout adjustment based on inflation) is amended by striking ''1.5 cent amount'' and inserting ''1.5 and 1.0 cent amounts''.

(B) BASE YEAR FOR INFLATION ADJUSTMENT FACTOR.—Subparagraph (B) of section 45(d)(2) of such Code (relating to inflation adjustment factor) is amended by adding at the end the following new sentence: ''In the case of the 1.0 cents amount in subsection (a), the first sentence of this subparagraph shall be applied by substituting '1999' for '1992'.''.

(d) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Subsection (b) of section 45 of such Code (relating to limitations and adjustments) is amended by adding at the end the following new paragraph:

''(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

''(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

''(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

''(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

''(B) EXCEPTION.—Subparagraph (A) shall not apply if—

''(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii),

''(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

''(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

''(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

''(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

''(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

''(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in section 292.304(d)(1) of title 18, Code of Federal Regulations, or any successor regulation.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years ending after June 30, 1999.

(2) ADJUSTMENT FOR INFLATION.—The amendments made by subsection (c)(3) shall apply to taxable years ending after December 31, 1999.

SEC. 205. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. NONBUSINESS ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

''(B) the credit amount (determined under section 48A(f)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(f)(2)), and

''(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

''New, Highly Energy-Efficient Principal Residence:	Credit Amount:
30 percent property	$1,000.
40 percent property	$1,500.
50 percent property	$2,000.

''(2) APPLICABLE PERCENTAGE.—

''(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

''Column A—Description	Column B— Applicable Percentage	Column C—Period	
In the case of:	The applicable percentage is:	For the period:	
		Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Solar water heating property	15 percent	1/1/2000	12/31/2006
Photovoltaic property	15 percent	1/1/2000	12/31/2006.

''(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

"Description of property item:	**Maximum allowable credit amount is:**
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property:	
fuel cell described in section 48A (e)(3)(A)	$ 500 per each kw/hr of capacity.
natural gas heat pump described in section 48A (e)(3)(D)	$1,000.
10 percent energy-efficient building property	$ 250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

''(2) COORDINATION OF LIMITATIONS.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

''(A) is located in the United States, and

''(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy property' means—

''(i) energy-efficient building property,

''(ii) solar water heating property, and

''(iii) photovoltaic property.

''(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (D) and (E) section 48A(e)(1) shall apply.

''(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by paragraphs (3) and (4) of section 48A(e).

''(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

''(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' has the meaning given to such term by section 48A(e)(1)(C).

''(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

''(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

''(i) such property is located in the United States,

''(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

''(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

''(B) 50, 40, OR 30 PERCENT PROPERTY.—

''(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

''(ii) PROCEDURES.—

''(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

''(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

''(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

''(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

''(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

''(D) COMPLIANCE.—

''(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

''(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

''(D) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as his principal residence.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share

(as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) JOINT OWNERSHIP OF ENERGY ITEMS.—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(5) ALLOCATION IN CERTAIN CASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

''(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

''(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

''(A) any property for which a credit is allowed under section 30 or 48A,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

''(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(g)(1)).

''(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

''(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

''(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Nonbusiness energy property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 1999.

Page 2, after line 5, insert ''**TITLE I—OIL PRICE REDUCTION''.**

Page 2, line 6, strike ''2'' and insert ''101''.

Page 5, line 4, strike ''3'' and insert ''102''.

Page 5, line 16, strike ''4'' and insert ''103''.

Page 6, line 10, strike ''section 5'' and insert ''section 104''.

Page 6, line 12, strike ''5'' and insert ''104''.

Page 6, line 15, strike ''section 4'' and insert ''section 103''.

Page 6, line 17, strike ''section 4(1)'' and insert ''section 103(1)''.

Page 6, line 21, strike ''6'' and insert ''105''.

Page 6, line 24, strike ''section 4'' and insert ''section 103''.

Page 7, line 3, strike ''section 5'' and insert ''section 104''.

Page 8, line 2, strike ''section 4'' and insert ''section 103''.

Page 8, line 7, strike ''section 5'' and insert ''section 104''.

Page 8, line 9, strike ''7'' and insert ''106''.

Page 8, line 10, strike ''Act'' and insert ''title''.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: Page 8, after line 2, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 3, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 22: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means

any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

AMENDMENT TO H.R. 3822, AS REPORTED

OFFERED BY MR. HASTINGS OF FLORIDA

Page 8, after line 8, insert the following new section (and redesignate section 7 as section 8):

SEC. 7. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

''(2) DIESEL FUEL.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

''(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

''(B) 4.3 cents per gallon after September 30, 2005.'', and

(3) by striking ''clauses (i) and (iii) of subsection (a)(2)(A)'' in paragraph (1) and inserting ''subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene''.

(b) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking ''shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005).'' and inserting ''shall be—

''(aa) zero during the 1 year period beginning on the date of the enactment of the Oil Price Reduction Act of 2000,

''(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

''(cc) 4.3 cents per gallon after September 30, 2005.''.

(2) Section 4081(c)(6) of such Code is amended by inserting ''(other than paragraph (5))'' after ''subsection''.

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting ''(the date of the enactment of the Oil Price Reduction Act of 2000, in the case of diesel fuel)'' after ''October 1, 2005'' both places it appears,

(B) by inserting ''(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after ''March 31, 2006'' both places it appears, and

(C) by inserting ''(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after ''January 1, 2006''.

(4) Section 6427(f)(4) of such Code is amended by inserting ''(during the 1 year period beginning on the date of the enactment of the Oil Price Reduction Act of 2000, in the case of diesel fuel)'' after ''September 30, 2007''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

AMENDMENT TO H.R. 3822, AS REPORTED

OFFERED BY MR. MARKEY OF MASSACHUSETTS

Page 8, after line 8, insert the following new section:

SEC. 7. REFINED PETROLEUM RESERVE.

Section 160(g) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)) is amended—

(1) in paragraph (1), by striking ''conduct a test'' and all that follows through ''the Reserve which'' and inserting ''establish a program of storage of refined petroleum products within the Reserve. Such program shall include mechanisms for storage of such products, which'';

(2) in paragraph (2), by striking ''demonstrated'' and inserting ''to be included'';

(3) in paragraph (3), by inserting '', other than the site of the Reserve established pursuant to section 154,'';

(4) in paragraph (4)—

(A) by inserting ''up to'' after ''amount equal to'';

(B) by striking ''of the fiscal years 1992, 1993, and 1994'' and inserting ''fiscal year''; and

(C) by striking ''of the fiscal years covered by the test program'' and inserting ''fiscal year'';

(5) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5); and

(6) in paragraph (5), as so redesignated by paragraph (5) of this section—

(A) by striking ''the test program may be withdrawn from the Reserve before the conclusion of the test program'' and inserting ''this subsection may be withdrawn from the Reserve'';

(B) by striking ''or'' at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(D) by inserting after subparagraph (B) the following new subparagraph:

''(C) on the basis of a finding by the President that a severe shortage in the supply of such refined petroleum products has occurred.''.

Page 8, line 9, redesignate section 7 as section 8.

Mr. FROST. Mr. Speaker, sometimes people laugh at Congress. This is a day for laughing at Congress. We have spent the last hour debating a bill that provides a report on diplomatic efforts from the President and rejecting the opportunity to offer amendments to actually deal with the problem. No wonder people laugh.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the remaining time.

This is an open rule, so long as one preprinted one's amendment in the CONGRESSIONAL RECORD.

With regard to one of the last statements from the distinguished gentleman from Texas, specifically in response to the gentleman from Ohio (Mr. CHABOT), when the gentleman from Texas said that the Committee on Rules deleted the sanctions section and the gentleman from Ohio had not found out about it, the gentleman from Texas voted for the deletion of the sanctions section in a voice vote.

But this is important legislation. The OPEC countries are about to meet. They are following this vote. The message must be sent clearly that Congress stands firm behind a policy that says that this must be taken with all due seriousness, despite the fact that there has been no one at the helm on the other end of Pennsylvania Avenue. So I would urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question is an exercise in futility because the minority wants to offer an amendment that will be ruled out of order as nongermane to this rule. So the vote is without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

At this point in the RECORD I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE

DEAR REPUBLICAN COLLEAGUE: In light of recent public statements regarding the intent of the minority to utilize all available procedural options to advance their legislative endeavors, I believe it is important to understand that the vote on the previous question is strictly a procedural vote that has no substantive policy implications.

The previous question is a motion made in order under House Rule XIX, and accorded precedence under clause 4 of Rule XVI, and is the only parliamentary device in the House used for both closing debate and preventing amendment. The effect of adopting the previous question is to bring the pending proposition or question to an immediate, final vote. The motion is most often made at the conclusion of debate on a special rule, motion or legislation considered in the House prior to a vote on final passage. A Member might think about ordering the previous question in terms of answering the question ''is the House ready to proceed to an immediate vote on adopting the pending question?''

Furthermore, in order to amend a special rule (other than by the managers offering an amendment to it or by the manager yielding for the purpose of amendment), the House must vote against ordering the previous question. If the motion for the previous question is defeated, the House is, in effect, turning control of the Floor over to the Member who led the opposition (usually a Member of the minority party). The Speaker then recognizes the Member who led the opposition (usually a minority member of the Rules Committee) to control an additional hour of debate during which a germane amendment may be offered to the rule. This minority Member then controls the House Floor for the hour.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications.

Sincerely,

DEBORAH PRYCE,
Member of Congress.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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.

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

The vote was taken by electronic device, and there were—yeas 222, nays 200, not voting 12, as follows:

[Roll No. 64]

YEAS—222

Aderholt	Frelinghuysen	Metcalf
Archer	Gallegly	Mica
Armey	Ganske	Miller (FL)
Bachus	Gekas	Miller, Gary
Baker	Gibbons	Moran (KS)
Ballenger	Gilchrest	Morella
Barr	Gillmor	Myrick
Barrett (NE)	Gilman	Nethercutt
Bartlett	Goode	Ney
Barton	Goodlatte	Northup
Bass	Goodling	Norwood
Bateman	Goss	Nussle
Bereuter	Graham	Ose
Biggert	Granger	Oxley
Bilbray	Green (WI)	Packard
Bilirakis	Gutknecht	Paul
Bliley	Hall (TX)	Pease
Blunt	Hansen	Peterson (PA)
Boehlert	Hastings (WA)	Petri
Boehner	Hayes	Pickering
Bonilla	Hayworth	Pitts
Bono	Hefley	Pombo
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-Hage	Jenkins	Ryan (WI)
Coble	Johnson (CT)	Ryun (KS)
Coburn	Johnson, Sam	Salmon
Collins	Jones (NC)	Sanford
Combest	Kasich	Saxton
Cook	Kelly	Scarborough
Cooksey	King (NY)	Schaffer
Cox	Kingston	Sensenbrenner
Cubin	Knollenberg	Sessions
Cunningham	Kolbe	Shadegg
Davis (VA)	Kuykendall	Shaw
Deal	LaHood	Shays
DeLay	Largent	Sherwood
DeMint	Latham	Shimkus
Diaz-Balart	LaTourette	Shows
Dickey	Lazio	Shuster
Doolittle	Leach	Simpson
Dreier	Lewis (CA)	Skeen
Duncan	Lewis (KY)	Smith (MI)
Dunn	Linder	Smith (NJ)
Ehlers	LoBiondo	Smith (TX)
Ehrlich	Lucas (OK)	Souder
Emerson	Manzullo	Spence
English	Martinez	Stearns
Everett	McCollum	Stump
Ewing	McCrery	Sununu
Fletcher	McHugh	Sweeney
Foley	McInnis	Talent
Fossella	McIntosh	Tancredo
Fowler	McKeon	Tauzin
Taylor (MS)	Upton	Weldon (PA)
Taylor (NC)	Vitter	Weller
Terry	Walden	Whitfield
Thomas	Walsh	Wicker
Thornberry	Wamp	Wilson
Thune	Watkins	Wolf
Tiahrt	Watts (OK)	Young (AK)
Toomey	Weldon (FL)	Young (FL)

NAYS—200

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

NOT VOTING—12

Ackerman	Jackson-Lee (TX)	Royce
Crane	Lowey	Rush
Franks (NJ)	McDermott	Schakowsky
Greenwood	Pallone	
Hill (IN)		

□ 1626

Mr. UDALL of Colorado and Mr. HINCHEY changed their vote from ''yea'' to ''nay''.

Messrs. MCKEON, NORWOOD and BALLENGER changed their vote from ''nay'' to ''yea''.

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HANSON). Pursuant to House Resolution 445 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. 3822.

□ 1625

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. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

□ 1630

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

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

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

Mr. GILMAN. Mr. Chairman, I am pleased to rise in strong support of H.R. 3822, the Oil Price Reduction Act of 2000. I urge my colleagues on both sides of the aisle to support this measure, which spotlights OPEC'c price-fixing activities. Its enactment will help to ensure that the force of demand and supply set the prevailing price of oil, and not a back-room deal among countries that do not share our national interest.

If we are concerned about excess oil profits going to the oil-producing nations, we should be supporting this measure. In early March, a news release from the Energy Department confirmed what we had all suspected at that time: that oil revenues to OPEC and other major oil exporting countries have doubled over the past 2 years to $212 billion, their highest level since 1984.

If we are concerned that the Energy Secretary is riding on empty every time he visits an OPEC country, then I urge my colleagues to support this measure and put our energy diplomacy in high gear. If we are concerned that the administration has been asleep at the switch over the past 18 months as OPEC oil production cutbacks led to a tripling of energy prices, then I urge

my colleagues to support this measure as we put the administration back to work on a long-term approach to America's energy security.

The House Committee on International Relations held 2 days of hearings on OPEC and the Northeast energy crisis and on U.S. policy toward OPEC in February and in March; and we heard testimony from several administration witnesses, including our Secretary of Energy Bill Richardson. This measure was fully debated in our Committee on International Relations and was ultimately reported out of our committee in mid-March. It is a balanced, responsible approach to the challenge that the American economy and the American consumer faces from the current energy price crisis that was engineered by OPEC and other major net oil exporters.

We need to send a strong message to the OPEC price cartel, prior to its forthcoming March 27 meeting in Vienna, that continued price-fixing efforts to prop up the price of oil will be an important consideration in our Nation's foreign policy.

Is OPEC price-fixing? Let me answer by quoting a statement issued on Tuesday of this week by the secretary general of that organization, and I quote: ''We should increase production by an amount needed to reach the target price of around $24 a barrel.'' In so many words, that is a resounding yes to the fact that they are price-fixing.

Does OPEC have to make any major increases in its current production to get to that price level? The answer is not at all. That organization calculates the current global composite price at slightly over $25 a barrel. With very minor production increases, OPEC could achieve its purposes and literally thumb its nose at our Nation with our skyrocketing gas prices.

This late-breaking news about OPEC's intentions at the upcoming March 27 Vienna meeting provides ample evidence to the administration that their price-fixing activities are still alive and well and that they are prepared to dismiss concerns in this country about low oil stocks and our steadily rising fuel prices.

How has the administration handled OPEC? It has dispatched the Secretary of Energy to OPEC countries to engage in quiet diplomacy over the past 2 years. However, as prices continue to rise, Secretary Richardson conducted business as usual, with OPEC members pursuing business for American companies while failing to protect the interests of the American consumer.

In fact, it appears that Secretary Richardson might well have been giving the green light to OPEC ministers when he told them prior to their meeting in March of last year, and I quote, ''We feel that lower prices are good for the consumers, but we recognize they can have a negative impact domestically on some of our friends. So far OPEC's response has been responsible and restrained,'' said Secretary Richardson.

If my colleagues believe that OPEC has not been responsible or restrained in its policy toward their constituents, then they should support this measure.

How does this bill respond to OPEC and the ongoing energy crisis? Specifically, this bill requires our President, not later than 30 days after its enactment, to send to the Congress a report containing a description of our security relationship with each OPEC member and any other major net oil exporting countries, together with information about our assistance programs and our government supported arms sales to those countries.

This bill requires a presidential determination as to whether or not an OPEC member is engaged in price-fixing to the detriment of our Nation's economy.

Finally, this bill further directs the President to undertake a concerted bilateral and multilateral diplomatic campaign to bring about the end of international oil price-fixing arrangements.

It is my understanding that many, if not all, of the proposed amendments to this bill are nongermane and subject to a point of order. And while I am sympathetic to many of these important policy proposals, the Oil Price Reduction Act has a much narrower focus and cannot be a vehicle for the overdue reform of our entire policy in energy.

If we are concerned about the oil price-fixing, and if we are concerned about its impact upon our economy, then I urge my colleagues to support this bill, a bill which sends a clear message to the administration and to the oil-producing nations that oil price-fixing is harmful to our American consumers and detrimental to the American economy.

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

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

This legislation, in the midst of a crisis, is akin to what a city council would do. It has no common sense energy proposal, we do not reinstate SPR, and we ought to be taking real action.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I will say that while decorum is important, it seems to me the Members were paying this bill about as much attention as it deserves.

I should explain to some of my colleagues, whose amendments will be ruled out of order, that I will not be able to side with them if they appeal the ruling of the Chair, because I am afraid that they are not germane. I have looked at these amendments, and those amendments each try to accomplish something. The governing principle of this bill is to do nothing. And an amendment which tries to do something is clearly not germane to this feel-good piece of legislation. So I would have to say to my friends that I cannot be with them, because we have to uphold the spirit of this bill. Something is not germane to nothing. That is an important parliamentary point.

This is a bill which the Republicans could have brought forward anything they wanted. Part of it is a ratification. This is the Republican ratification of the tax increase of 1993. Members will remember some of them and others will remember the gnashing and wailing and lamentation about the gas tax increase. It was a terrible thing, that gasoline tax increase. Well, the Republican Party had the opportunity to bring forward a bill repealing the 1993 gasoline tax increase, and their answer is a resounding ''never mind,'' in the words of Emily Litella.

So we have on the part of the Republican Party a ratification of the gasoline tax increase of 1993. Better late than never.

We now have on our side suggestions for taking some of the strategic petroleum reserve and making it available to the American people, who paid for it. That is not to be considered. The Republican Party is adamant, apparently, against doing anything with this strategic petroleum reserve or setting up a new one for the future.

What we have, instead, is a very interesting political phenomenon: a man who is being talked about for vice president, but is still only the Secretary of Energy, apparently has coattails. Because as the gentleman who spoke said, this is an effort to mandate a diplomatic campaign to get OPEC to change its position. Well, that is what Secretary Richardson has been doing.

Now, a week before the vote we come forward, and I think what we have here is an effort to take credit for what might happen anyway. So Secretary Richardson turns out to have coattails not in November but in March. Because what we have is a bill that if OPEC changes its position, as the administration has been working to have them do, we will take the credit for it.

In fact, I differ with the administration. I do not think they should be simply relying on trying to move OPEC by persuasion. I think we should have been doing things with the strategic petroleum reserve. But the bill absolutely agrees with the administration. As we heard the chairman say, we have two things here: first of all, a report, a report the issuance of which no doubt is having them quaking in Kuwait. It has them terrorized in Venezuela. A report is coming. The Congress of the United States is going to issue a report. And no doubt that strikes terror into the hearts of the oil-producing nations.

But beyond the report, what do we have? We have a diplomatic campaign to get OPEC to change its position. Exactly what the administration has been doing. So this bill fails to push the administration to do more and, instead, violates the copyright laws by trying to take credit for what they are already doing.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I just have to say to my colleagues that it is mind-boggling, and I do not think anybody in the United States believes, that the other side of the aisle has an answer to this problem, period. They talk about emptying out the strategic petroleum reserve. What do my colleagues think OPEC would do if we did that? They would just tighten the valve down just enough to offset that amount that we are doing. That is not the point here.

Now, gas taxes. I am for cutting the gas taxes. I am for cutting more than the Gore gas tax. I am for cutting the Bush gas tax. Mr. Chairman, today's high gas and oil prices are unnecessary, and it is unfortunate that we have to do a bill like this because this administration has no credibility in the world, and everybody in America understands that.

We are having a tin cup diplomacy running around begging OPEC to open their valves. And the reason is because the Clinton-Gore administration is squarely to blame for this, what is going on in America today, the high prices of gasoline. The simple fact is that the American economy is too dependent on foreign oil because this administration refuses to allow an increase in domestic oil production.

Just this month, just this month this administration has increased the royalties on drilling in the Gulf of Mexico, despite the repeated objections of Congress. They have also banned new pipeline and dam construction and forbidden access to multipurpose Federal lands. These restrictions should be lifted.

Kowtowing to environmental extremists, Clinton and Gore policies have severely restricted oil, coal, hydro- and natural gas energy production across the board. And if my colleagues do not believe me, read the Vice President's book, Earth in the Balance. It is all here. It is all designed to drive up the cost of gasoline so he can eliminate the internal combustion engine.

Steps must be taken across the board to make all these energy sources more viable. The facts speak for themselves. Today our domestic oil production is at the lowest point since World War II, and we are importing more oil than ever before, even more than during the 1973 embargo when everybody was in gas lines to fill up their cars.

□ 1645

In fact, every day Americans spend more than $300 million on foreign oil. In light of this situation, you would think that American refineries and wells would be working overtime to provide as much fuel as possible, but that is not the case.

During the 1998 oil price crash, over 150,000 marginal oil wells were closed and never reopened, because the Clinton-Gore administration simply did not care about domestic production. Now, while these wells each produce less than 15 barrels a day, the total output derived by opening only half of them would boost domestic oil production by 250,000 barrels of oil every day, but Federal tax incentives, like ones we have in Texas, could easily achieve this increase.

On March 27, a little less than a week away, OPEC ministers will be meeting to discuss a possibility of increasing their production levels to help stabilize oil prices. This bill is an honest effort to encourage them to do the right thing. And I am going to vote for it; but let me be perfectly clear, the reason we are in this mess in the first place is because for the last 7 years, this administration has turned its back on our domestic energy needs.

In effect, Clinton and Gore have left us with no choice but to beg our OPEC allies to turn the spigot up. This is a humiliating position for America, and it hurts families and businesses, especially truckers who are stuck with paying higher prices.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), and say in doing so, the only report that we really need is the report on where Congress has been for the last 6 years.

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

Mr. MENENDEZ. Mr. Chairman, my constituents in New Jersey have not been immune to skyrocketing oil and gas prices. We have seen consumers, truckers, and oil-dependent industries suffering for months as a result of exorbitant prices, including some independent truckers having to take their trucks off the road, because they simply cannot afford to operate them.

In essence, what this legislation does, which we voted for in the community, but let us be honest, what it does is, it does exactly what the administration has been doing, which is to leverage its relationship with OPEC countries and diplomacy to get them to produce and, therefore, help the price. That is what we expect the result to be next Monday when OPEC meets; that is the diplomacy that we need.

This is a cheering of that effort. Regardless of what happens on Monday, we need steps to protect the American economy and consumers in the short and long terms. In addition to passing this bill, we will send a message to OPEC that the administration has already done through its diplomacy, that we will not be held hostage to its monopolistic practices. We need to implement President Clinton's initiative to create a home heating oil reserve for the Northeast to cushion future spikes in oil prices. And we should also reauthorize the strategic petroleum reserve, which is set to expire in a few days on March 31, next week.

Regardless of your position on drawing down the reserve in these prices, we think we can all agree that that option should remain available, including to create opportunities for fluctuations in the market. The majority has the power and should have already brought that bill to the floor.

Over the last 5 years the majority has failed to provide Americans with energy security. When they vote against alternative fuel research and development, when they send Alaskan oil to Japan, when they do not reauthorize the strategic petroleum reserve with provisions to deal with extreme market fluctuations, when they make the administration sell off part of the reserve in order to meet some of their budget requirements and when they fail to assist the administration in buying oil, that will give us the opportunities.

Let us not have our constituents choose between heating their homes and feeding their families. Let us get some real energy policy going here.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I noticed one thing when I listened to this debate. If we can bottle the hot air that has been coming from some people on this side of the aisle over here, we can solve the energy crisis right now.

I have never heard so many what I call knee-jerk reactions, if we check each one of your cheeks, you will see a black eye, about this whole oil crisis. The solution that I have heard today, we are going to have our strategic reserve drawn down.

I happen to agree with the gentleman from Texas (Mr. DELAY). If I was an OPEC member, I would say draw it, buddy, because when it is all going, you are going to pay $55 a barrel of oil. That is what I would do, and that is what they will do if we do that.

What I want to talk about is the selling of Alaskan oil. My good friend, the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO) talking about Alaskan oil, we sell from Alaska 55,000 barrels a day of heavy crude. And by the way, we also sell 59,000 barrels a day from California, heavy crude.

Now, think about that a moment; but more than that, we are importing 8,650,000 barrels a day from the OPEC countries. If we would stop that 55,000 barrels, it would not stop one bit of the prices increased on the Western States. But more than that, you do not have the capability to refine the oil. The refineries are not there. They are not there, and they will not be there. And most of you know that. This is all, again, hot air.

But more than that, we have to set an energy policy. This administration has not done so. I would suggest one

thing, the only policy this administration has is a set of kneepads for Mr. Richardson, because he is going to have to beg and beg and beg again.

As the gentleman from Texas (Mr. DELAY) also reminds us, they will drop the price of oil down to about $24, $25 a barrel, and we will go on our merry way, because this Congress, in fact, will not come to grips with producing oil.

And by the way, gentlemen, all of you in this room are opposing opening ANWR; think about it a moment. I passed that bill in 1995, and your President vetoed it. That is 2,200,000 barrels a day that could come to the West Coast and the East Coast if we had the refining capability; but we do not, and trying to get a refinery built in this country is nearly impossible because it is of this administration. I am saying let us talk about real domestic production.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, somebody ought to call the police. Something ought to call the police because this bill is simply a fraud on the public. This bill does nothing about the current gas price crisis in our country. It does nothing about America's future energy problems. This bill is simply to try to make the Republicans look good while they do nothing. It is a fraud.

It is a fraud on the American public. Let us understand what the Republicans have done. When oil was $10 a barrel, they would not allow us to buy it for the strategic oil reserve. Now, when oil is $35 a barrel, they will not let us use the reserve to help the American people. They cut $1.3 billion out of energy conservation efficiency and research and development. They put a rider on the transportation appropriations bill so we cannot even investigate getting better mileage in people's automobiles.

Between the 1970s and the 1980s, we doubled the mileage on automobiles. But we have not been able to do anything since then because of the Republican Presidents and Republican Congress. So now people have to sit in automobiles that are not fit and pay $2 for gasoline.

No, we need the Republicans to stop their actions, to stop their actions against conservation, to stop their actions against home heating oil. They cut home heating oil; and 250,000 people who have homes in the Northeast that could have been weatherized were not weatherized, so 250,000 people this year had to go out and be gouged in the home heating oil market.

Obviously, the Republicans now are trying to cover their tracks. Obviously, now they want to pretend like they had nothing to do with the energy problem that we have. But in appropriations bill after appropriations bill, we see the cuts on kinds of programs that can lead to new energy efficiencies, can lead to automobile mileage standards, that can bring about the kind of technology that can save this country millions and millions and millions of barrels every day. Because that is what we did during the 1970s, but we cannot do that with the Republicans.

Call the police and get these frauds out of here.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of our Committee on International Relations.

Mr. MANZULLO. Mr. Chairman, this debate is not about the Congress, and it is not about the President of the United States. This debate is about Gene Wilmarth from Leaf River, Illinois.

Gene has to go out and pay more interest on his note to buy cattle, and he has got to pay more interest on his operating loan because the Fed increases the short-term interest rate because the price of gasoline goes up and the Fed thinks it is going to fuel inflation. And Gene Wilmarth has to buy diesel fuel to put his crops and cultivate them, and he has got to haul them to the market and to the elevator, all in a time when crop prices are one of the lowest in history.

The debate is not about the President. It is not about the Congress. It is about the thousands of Gene Wilmarths across this country. They cannot take any more.

How ironic it would be for the young men and women who are farming today if some of those had fought in the Gulf War to protect the countries of Kuwait and Saudi Arabia, who, in exchange for the gratitude of the nearly 300 American lives that were lost, turn around and stick it to the American people by being engaged in an international criminal conspiracy to fix the price of oil. It has got to come to a stop.

The purpose of this bill today is to remind the President that he can do something, something to send a message around the world that when we pump money through the IMF to bail out countries, that when we send foreign aid, that, in exchange for our benevolence, help out the American farmer, help out the American consumer, help out the American people, do not hold hostage the friend that they have in this country.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), and I yield the balance of the time to the gentlewoman from California (Ms. LEE) for the purpose of controlling the time.

Mr. MARKEY. Mr. Chairman, this was not a half bad resolution as it was produced by the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) out of the committee.

In fact, what it said was that the President would be able to use his existing legal authorities to reduce, to suspend, or to terminate assistance to these OPEC nations, including military aid or arms sales.

So in other words, if the heads of all these counties are going to go into a room and say, they are not getting any more oil from us or we are going to reduce it dramatically, then leaders from our country are going to go into a room and say, well, they are not going to get what we have got in our country that they want.

But by the time that it had been transformed by the miracle of the Committee on Rules, every meaningful part of this resolution has been removed; and all we have left is, basically, a resolution which says this oil crisis is really a very bad thing.

Now, we are all going to agree with that. It is a bad thing. But the Committee on Rules had a chance to put into order for us to debate out here on the floor the reauthorization of the strategic petroleum reserve, which is what our President can use to talk to the leaders of their country in deploying our oil reserves, 560 million barrels of oil.

The Committee on Rules did not put into order my amendment, which said that we should build a regional home heating oil reserve up in the northeastern part of the United States for Maryland, for New Jersey, for New York, for all of New England. That is not in order here. Let us just go through another winter without giving those people up in the Northeast the chance not to have themselves tipped upside down and have money shaken out of their pockets by OPEC when their governments, not private companies, my colleagues, when their governments decide that they are going to take our consumers hostage and just stick them up.

So as this resolution is out here on the floor, it is really worse than meaningless because it gives the false message to the rest of America that we are doing something here today when, in fact, we are not doing anything at all.

□ 1700

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, over the past year we have watched this country slide further and further what could very well be described as a full-lown energy crisis. Gas prices have increased dramatically over the past year to the point of being the largest price increase in history. American oil inventories are at their lowest level in 4 years. This has all occurred under the Clinton-Gore administration's watch. This administration's lack of an energy policy and its resistance to allowing oil and gas exploration on public lands has brought us to this point.

Clinton and GORE pay lip service to energy policy but in reality they do all they can to prevent domestic industries from meeting our energy needs. This administration has locked up one

of the largest clean coal sources in the lower 48 States, in Utah's Grand Escalante National Monument. This administration has been opposed to any new nuclear power plants and has been opposed to waste disposal.

This administration is importing more oil than ever with regulations and taxes designed to close our domestic oil industry. It is closing vast areas to gas development in the outer continental shelf. Due to extreme environmental policies, domestic reserves of oil and gas in the Rocky Mountains are too expensive to produce. And possibly more importantly, in the Rocky Mountains, pipelines are tougher than ever to permit. We must be able to increase domestic crude oil production not only to help alleviate the risks to our national security but also to make energy in the United States more affordable.

This administration is importing more oil than ever, with regulations and taxes designed to close our domestic oil industry.

We have a wealth of untapped energy resources in this country and yet we can't get at them because this administration keeps throwing up barriers through needless rules and regulations.

Why should we have to depend on any foreign energy resource when we have it setting right here in our backyard.

I implore this administration to wake up and start working on a solution to this crisis so that our national security will not be jeopardized, and our constituents can know and appreciate stable energy prices.

This bill, the Oil Price Reduction Act, is a step in the right direction.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time. We have heard a lot today about OPEC and sending the message to OPEC and how there was an expression of surprise that OPEC would be fixing prices. Well, they have been doing it since 1960. It should not come as a surprise. Is OPEC a problem? Of course OPEC is a problem. At the same time, there was reference to Secretary Richardson being dispatched by the President.

Let us go back a bit in history. In 1990, it was President Bush that dispatched a half a million men and women in combat to the Gulf. Let us be candid. They were not dispatched there to safeguard democracy. They went there to protect economic interests of the United States. They went there because of the oil. Not only did we fail to remove Saddam Hussein, but when we had the leverage in terms of our relationship with OPEC, when they needed us, what happened, when we could have absolutely once and for all crushed the cartel? Nothing happened. That is what happened. That is why we are in the problem today. Not because of the failure of this administration but what went on back in 1990.

Mr. Chairman, with gas prices hitting record highs, approaching the $2-a-gallon mark, consumers are understandably searching for villains. OPEC is an easy target.

Last year, OPEC removed about 6 percent of world production from the market. These cutbacks have significantly reduced worldwide stockpiles of crude oil and refined petroleum products, and nearly tripled crude oil prices to around $30 a barrel.

According to the Energy Department, this winter distillate fuel stocks nationwide were nearly 32 percent below last year. The supply shortfall was even more severe in the Northeast, where distillate fuel stocks were 13 million barrels below average levels.

The Clinton administration's sluggish response has made it another easy target, especially when the original rationale for inaction was ''Sorry, can't intervene. Leave it to market forces.''

I, for one, believe government intervention is entirely appropriate. When the price of home heating oil triples in a few weeks, the public interest demands that we help. I believe we must act aggressively to lower prices by increasing supplies; provide additional relief to the most vulnerable; and combat any anticompetitive actions—both domestically and abroad.

While we're sorting causes from effects, let's look a little deeper.

It should come as no surprise that OPEC is a cartel. We've known that since 1973. And we haven't done much about it for almost 20 years.

When American troops marched toward Iraq in 1991, their mission was broader than saving democracy in Kuwait. They were also there to keep our hands on the oil spigot. When former President Bush had the leverage to keep that spigot open, he blew it.

By failing to take care on the cartel then, former President Bush allowed American families today to be held hostage to OPEC nations.

Now, almost a decade later, there's a chorus of outrage against OPEC. And for good reason—the cartel's continued efforts to restrain supply has affected prices throughout the world.

But when there is a drastic price hike in home heating oil—as much as 300 percent in a year, and 100 percent in just a few weeks—when the majority of supplies come from domestic producers, then factors other than OPEC reductions may be at work. When I hear accounts of a $9 per barrel fee assessed on crude oil during the refining process in domestic ports, then we have an obligation to oppose any unscrupulous actions by domestic producers, too. And an obligation to intervene.

Beyond stepping up pressure on OPEC to boost production, I support an immediate release of oil from the Strategic Petroleum Reserve to exert a downward pressure on prices. This is a step that is completely within our discretion.

Back in 1991, within hours of the first air strike against Iraq, former President Bush authorized a draw-down of the reserve. When the Energy Department activated it, crude prices plummeted by nearly $10 per barrel overnight, falling below $20 per barrel for the first time since the original invasion.

Some of our colleagues oppose a drawdown out of blind faith in the ''invisible hand'' of market forces. To them, I ask, what about price supports for domestic cartels—for example, for dairy farmers.

Why a helping hand for farmers, but no hand for the elderly trying to heat their homes, or the small independent trucker trying to bring goods to the market?

So let's be clear. OPEC production cuts are a big factor. But there's a lot more to this current crisis, and a lot more at our disposal than relying on OPEC production to increase supplies and reduce prices.

For instance, what about suspicions of domestic price gouging? Yes, it's possible there are culprits within our own borders.

The fact that fees are added at different points along the process of moving crude oil to consumers—from processors to refiners to shippers to dealers—makes it hard to pin down all the factors which have contributed to the price spikes. No matter who you blame or how you calculate it, however, consumers are now paying two-and-a-half times the cost of crude straight out of the ground.

Although milder weather is on its way, we can not wait idly for the sun to shine and for OPEC to convene next week while soaring gas prices continue to afflict and affect families and businesses.

So, I rise in support of immediate action. With or without this bill, the Administration has the authority to withhold foreign assistance. It has the authority to draw down from the Strategic Petroleum Reserve. It has the authority to create heating oil reserves to provide supplies to cushion against future shortages and price hikes. The Congress has the authority to broaden LIHEAP to struggling families who can't pay exorbitant heating bills, and to invest more in energy conservation and renewables to wean us off dependency on foreign oil and help our environment.

At a time when U.S. taxpayers are suffering, our government has every right—and an obligation—to press OPEC countries, who receive substantial U.S. aid, to consider the impact of their policies on the streets of the United States. I urge the administration to act now—and to learn from and help compensate for the mistakes of almost a decade ago.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SAXTON) assumed the chair.

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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.

The SPEAKER pro tempore. The Committee will resume its sitting.

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OIL PRICE REDUCTION ACT OF 2000

The Committee resumed its sitting.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I applaud the enthusiasm of the Committee on International Relations to bring forward something to at least focus the Nation's attention on the energy price increase we have had in the

last 3 or 4 months. I cannot applaud, though, their work product. I am going to oppose the bill. I am going to insist on a point of order on the amendments that should have been before the subcommittee that I chair, the Subcommittee on Energy and Power of the Committee on Commerce.

I want to point out one fact. In the fiscal year that just ended, the United States of America gave directly in foreign aid, military aid, economic aid and food aid to the OPEC nations $197.9 million. Based on $30 per barrel for oil, that is less than one day's supply of imports of oil to this country. So if the amendment as reported out of the Committee on International Relations had kept the teeth in it and if the President of the United States had dictated that all of our aid be suspended to the OPEC nations that have engaged in their cartel, it would have impacted the cartel by one day of oil imports to this Nation. I hope we will oppose the bill and work for responsible solutions.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this bill does absolutely nothing to help working families cope with higher energy prices but frankly we can expect an energy bill without content from a Republican Party without an energy policy. Just take a look at their record. They want to lay the blame elsewhere. But they slashed $1.3 billion from energy efficient programs that would reduce our dependence on gas and oil. They wanted to sell off the Strategic Petroleum Reserve. They wanted to abolish the Department of Energy. They will not reauthorize the President's authority to draw down from the Strategic Petroleum Reserve. We had an opportunity here last night with amendments that were offered to set up a Northeast Petroleum Reserve in order to deal with home heating oil, to look at tax incentives for our domestic production of gas and oil, renewable sources of energy, all kinds of ways in which we could address the problem that people are facing today in this country.

And what did they say? No. They said no because this is about politics. This is not about an energy policy. What we need to do is to look people straight in the eye and say, this is what we want to do to help you cope with the high cost of energy.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of this measure, the Oil Price Reduction Act, although it will not do that but I think it is important that we do send a signal that we are concerned about this issue and that we recognize this issue hits at the very heart of America's prosperity and it hits at every American family.

I want to make a couple of observations, though. This is a bipartisan issue, and it really deserves some bipartisan solutions. Unfortunately my Republican colleagues in many instances chose to play politics. They denied concrete amendments which would have really done something, amendments to use the strategic reserve to calm the marketplace, amendments to provide incentives for greater production, a reserve that could help the Northeast with home heating costs. Those are real action items that we could have done on a bipartisan basis but they said no and blocked the amendments.

Second, I want to observe that since they have been running this place for the last 6 years, they could have instituted an energy policy that would have made us self-reliant. They have not done so.

Third, I want to observe that this bill is not a bad idea but it does not do anything more than the President already can do. So let us not oversell this. The President has the right to engage in these negotiations. He should and in point of fact he is doing so in the form of a quiet diplomacy that we believe will yield positive results when OPEC meets. But it is important that we do send a signal and Congress in fact does have a role.

What am I saying? Simply this. We need to say to our foreign oil-producing allies that there is a link between your cooperation and our generosity in foreign aid. When I look at the foreign aid request of Indonesia for $135 million, of Nigeria for $80 million, of Russia for $252 million, I believe these countries can play a constructive role in helping us lower oil prices. I do not think we should have to beg. I think we should send an important signal to them which this bill does. That is, that we are serious about oil prices in this country and we expect and hope that our allies will be supportive. I think that is an important first step. But we need to do more. It needs to be more concrete and we need to do it on a bipartisan basis.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise today to call attention to the threat that rising oil prices pose to our economy. We are witnessing the most drastic price increases since the oil crisis of the 1970s. Many of my colleagues recall the devastating impact of high oil prices during that period. Long lines at the pumps and rationing were only modest inconveniences compared to the economic impact of double-digit inflation, soaring interest rates and high unemployment.

We are at a crossroads. We need to act now. Our country's economic well-being depends on how we respond to this crisis. The United States has been fair and generous towards oil-producing nations. We have invested in their economies; we have rescued their currencies from collapse; we have risked the lives of our men and women to defend their sovereignty.

Now we must go begging for fairness. OPEC is playing Russian roulette with the world's economy. While there are serious questions as to whether this bill in its final form will be effective, our oil-producing friends need to know and understand that we mean business.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this resolution is an imposter. Its very name, the Oil Price Reduction Act, is a trick and a deception. If we wanted to do something about it and we must, that is, the price of oil, we know what we have to do. But the majority party here has refused to do it. You have refused to allow a bill on the floor which will allow us to tap into the Strategic Petroleum Reserve to deal with price fluctuations. You have refused to allow a bill on the floor which will establish a home heating oil reserve in the Northeast to deal with the cost of home heating in that part of the country. You have refused to deal with a bill, and bring a bill out on the floor which will reduce the consumption of oil through transportation, particularly through automobiles. You have refused to bring legislation out on the floor which will allow this one to be amended which would allow for conservation and for the development of alternative energy.

All of these things are needed. Yet you have refused to do any one of them. Instead, what you have done is dragged this imposter out here to pretend you are doing something when it is clear you are doing nothing.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, let me tell Members what this bill does, and I read: ''It shall be the policy of the United States to consider the extent to which major net oil exporting countries engage in oil price-fixing to be an important determinant in the overall political, economic and security relationship between the United States and these countries.''

This bill requires a report. It requires a study. And in fact if it does what I think it will do, it will label these OPEC nations as price-fixing. They have raised this price of oil at over $30 a barrel, and that has increased the price at the gas pump from 98 cents a year ago to, in my district, $1.55 this weekend.

That is not acceptable. As I have told my constituents and as they have told me, we need to respond to this. What we ought to be doing if we can label these folks, any sixth, seventh grade economic individual can tell you, they have cut off our oil, which has raised the price. They have turned off the spigot not only to the United States but to the rest of the world as well and we ought to turn off the spigot on

them. Economic aid, foreign military aid, it ought to go until they open up the spigot back on us.

Mr. Chairman, I urge my colleagues to support this resolution.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

□ 1715

Mr. DEFAZIO. Mr. Chairman, Congress has awesome power when it wants to act but today that power is being squandered. American consumers are being price gouged by an unholy alliance of OPEC and big oil.

The gentleman who preceded me wants to do a study to see if they are price gouging. Oh, come on. Did the gentleman see the movie Casa Blanca? This is ridiculous. We know price gouging, price fixing is going on. It is time, it is past time, to act. Concrete actions could be taken today on the floor but they will not be allowed by the majority because they fly in the face of big oil, their campaign sponsors.

We could ban the export of oil from Alaska. We could file a complaint in the World Trade Organization for these violations of their charter. We could reinstitute programs which they decimated for conservation for renewable resources. We could give the President the authority to tap the strategic petroleum reserve. There are things we could do.

They want a study. They want to undertake a concerted diplomatic campaign and take the necessary steps to begin negotiations. The White House has already done that and I think they are pathetic steps. You are even more pathetic by telling them to do what they are already doing.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, the problem is, we have to do something because the administration, by their own admission, has been caught napping and they are still napping. And the people of this country and the people of South Dakota cannot afford to wait until the alarm clock goes off. We have farmers and ranchers who are going to be going into the field to plant. We have tourism season coming on in our State, and we have people who travel a long distance between points to get to their destinations.

There is no place that is more dependent upon a reliable energy supply than is my State of South Dakota. The administration has failed in the past. They are currently failing and that is why Congress needs to act. This legislation sends OPEC a very loud and clear message that time and time again we have come to their defense and it is high time for those nations to do what is right, to recognize the past support of the United States and to stop manipulating the supply of the world's oil.

This legislation is an important first step. It calls upon the administration to take strong measures to see that if there is price-fixing going on, that arms sales and other sales, economic and political measures, are taken to stop the abuse of the oil prices and oil supply crisis.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, yesterday the Committee on Transportation and Infrastructure held a hearing on matters pertaining to the soaring costs of gasoline and diesel fuel. Ostensibly the purpose of the hearing was to determine whether consumers would benefit from repealing a 4.3 cents Federal fuel tax, which they would not. Such a proposal is SSI, a simply stupid idea.

Experts in the transportation field, including consumer groups such as the AAA, all said this proposal would have severe adverse effects on our country in terms of highway safety, congestion relief and employment while, at the most, saving the American consumer about fifty cents a week; the price of a pack of chewing gum, if that, because the oil companies would probably take that amount themselves.

What every witness did support, however, is releasing oil from the SPR, and I join them in calling on the President to do so immediately. This is very important within the context of the measure we now consider. I am sure that the President and our former colleague, Energy Secretary Bill Richardson, are doing their best on the diplomatic front, but one cannot fight a cartel without weapons and our best weapon is to turn on the spigots, bring our fuel prices down and show OPEC that we will not be at its mercy, that we will not be held hostage.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would say to my colleagues on both sides, the Department of Energy that is caught napping and retired on active duty should be eliminated; that an energy policy where they said we were in the majority, I would like to remind my colleagues that the President vetoed our energy policy. The President vetoed our bill when we wanted to open up ANWR, and we are asking him to change that policy and to review those kinds of policies.

I would ask the President, when he took over the Utah coal, who was his direct competitor? It was a guy named Mr. Trie. And guess what? He doubled the price of coal that he sells to China, and yet the DNC gets millions of dollars from Trie and Huang and Riady, and yet when we look at the Spratly Islands and China and the oil reserves there, fighting both Japan and the Philippine Islands, there has been zero taken care of and we are asking the President, any foreign policy to take a look and to change that. I think that is legitimate.

I would say that I am just as upset at OPEC as my colleagues on the other side of the aisle. We had men and women die to support the freedom for Saudi Arabia, Kuwait and Qatar, and I think it is outrageous what they are doing.

I agree with the gentleman, we in San Diego have seen price-fixing even during normal times. I agree with the gentleman. We ought to do something about that as well. In the meantime, I think it is legitimate to ask the President to come forward and review those policies, both the ones that he has supported and those that he has not; that we have supported. We will join with the President because like my colleague, the gentleman from Illinois (Mr. MANZULLO) talked about, it is the farmers, it is the truckers, it is the consumers that are paying the bill. It is the people in the Northeast that demand heating oil.

So I ask my colleagues to support this resolution and bill.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I appreciate the reasoned statement of my colleague, the gentleman from California Mr. CUNNINGHAM) that he just made because that is exactly the tone in which we ought to be speaking today; not the continuous blame game that I have heard. That is why I rise to express my great disappointment in this legislation which pathetically fails to address any of the fundamental energy policy questions that Congress and the administration should be working on together to reduce our Nation's dependence on foreign energy sources.

Unfortunately, this legislation is a knee-jerk reaction which is targeted towards publicity far more than solving our long-term needs. Right now consumers are paying high gasoline and diesel prices at the pump and folks in the Northeast faced very high home heating costs this winter. These are very serious problems, just as critically low oil prices were serious problems only 14 months ago.

Over a 2-year period, our Nation lost over 500,000 barrels per day of domestic oil and gas production when prices were so low that it cost more to find and produce crude than could be made by selling it.

When prices are so low that our domestic producers are forced out of business, our Nation's dependence on foreign oil inevitably increases. Now that we depend on foreign sources for almost 60 percent of our fuel demands, we begin to see the folly of our earlier inaction.

We cannot afford to continue ignoring the desperate need for a comprehensive energy policy which encourages and promotes domestic production of oil and gas, provides for incentives for renewable energy sources, and reduces our Nation's dependence on foreign oil.

Congress should act, and to my friends on this side of the aisle they would be surprised how many Democrats are willing to reach out and work with them.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Chairman, first and foremost I want to congratulate the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for stepping up to the plate at a time when the American people are being hurt and being hurt badly.

The fact is, this administration, the Clinton administration, should have acted a year ago and finally it takes us in Congress and the gentleman from New York (Mr. GILMAN) and his leadership to step up to try to do something about this actual theft of money from the American people.

What is happening? We are talking about hundreds of dollars being taken out of the pockets of each and every American family by an international, a criminal conspiracy, to control the prices on oil and gas.

This was not a covert conspiracy. A year ago, OPEC openly worked, blatantly and openly decided that they were going to cut production in order to bring up prices. Where was the Clinton administration? It is supposed to be watching out for the well-being of our people. This is the worst regressive tax we can have. It is hurting the very poorest and middle-class people in America that can be hurt. This is taking the money out of people's salary; it is taking money out of their pockets that they would spend on food, et cetera.

Let us make it clear here, what is happening is OPEC has gotten together in a conspiracy to raise prices. This administration did nothing over a full year and now the prices are going through the roof and the American people are seeing that their standard of living is going down. That is what is happening.

Now the bottom line is that makes it even worse, this administration could have done something. Some of these people involved in this conspiracy to raise prices, we are defending them, whether it is Saudi Arabia or Kuwait, friends of ours. We have troops over there right now defending them. And this administration does not use that as leverage to try to get them to treat the American people fairly?

This is an insult to the American people that after defending these people they end up taking us to the cleaners; they end up hurting our people; they end up decreasing the standard of living or the well-being of the American people down after we have defended them. That is an insult.

It is incompetence on the part of this administration or cowardice that they have not confronted those people in OPEC, used the leverage that we have and said if they are going to abuse the American people we are not going to defend them anymore.

Believe me, had we done that we would have gotten their attention. Instead, by the time this gets fixed, there will be billions of dollars being taken out of the pockets of the American people and it is going to hurt some people's lives here.

I salute the gentleman from New York (Mr. GILMAN) for stepping up to the plate. I am just sorry that this administration did not do the same.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, legislation should not be necessary. The President and Congress should mutually sign a letter and send the letter to the kings and monarchs of these OPEC countries and tell them the next time they are attacked call Mobile Oil in the rotary because we are not going to defend them.

Mr. Chairman, OPEC is not the only villain. The gentleman from Texas (Mr. BARTON) should not have objected to the Traficant amendment. The gentleman from New York (Mr. GILMAN) should not object to the Traficant amendment, and I may test the ruling of the Chair.

In the 1970s, OPEC was blamed when American companies kept tankers out in the ocean denying the product, artificially driving up the prices.

OPEC is not the only villain. American companies are taking license with this increase and gouging our citizens. My amendment would force an investigation and if it proves that this, in fact, occurred, a fine of up to $100 million would be imposed on American companies who rip us off.

First of all, I think we should send the letter and say the next time they are attacked, call the rotary.

I may appeal the ruling of the Chair, and I am asking the gentleman from Texas (Mr. BARTON) and the gentleman from New York (Mr. GILMAN) to listen carefully to the Traficant amendment. It deals with the other side of the issue.

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

Mr. Chairman, the Oil Price Reduction Act encourages President Clinton to take stronger action against those involved in price-fixing, but he is already doing that. This energy crisis should really be a wake-up call for Congress to seriously reconsider our current energy policy, and there is no better time than now to take up real long-term solutions.

Secretary Richardson's diplomatic efforts are the right thing to do, and I am hopeful like all of us are, that OPEC will reconsider its production policy when it meets.

According to press accounts, Saudi Arabia, Norway, Mexico, and Venezuela say they are in favor of raising production levels. Now this is good news. The President's initiative to strengthen America's energy security, particularly his $1.4 billion investment in energy efficiency and alternative energy technology, is a right step. However, now is the time for Congress to push for long-term solutions. Now is the time to encourage stronger energy efficiency standards.

The State of California, for example, is leading the Nation in requiring the development of electrical and hybrid vehicles, which is an excellent example of how we both reduce emissions and also reduce our reliance on fossil fuels and also emissions.

□ 1730

Now is really certainly the time to invest in alternative fuels and renewable energy. Currently, in my district, Alameda Contra Costa Transit Company is taking great strides to invest in fuel cell engines, which offers a very promising alternative and is a zero emissions energy source.

Now is the time to encourage a wider spread use of mass transits. As in many cities across the Nation understand, increasing our investment in buses and light rail will help reduce traffic congestion, pollution and our dependence on gas.

Now is the time to end our dependence on OPEC oil. For example, there are numerous countries in Africa, such as Angola and some off the west coast of Africa, that are examples of oil-producing countries with promising opportunities for the United States.

In my district in Northern California, prices rose by 15 cents to $1.66 in early March. Now my constituents are looking at gas prices of almost $2.00 and above. This has got to stop. Low-income wage earners can barely make it in many areas across our country with the high cost of housing. They can ill afford these high prices for gas and oil. Our response to their concerns must start by promising to never allow this to happen again by committing ourselves to long-term solutions.

The time is now for us to really be for real, by getting down to work for a consumer-friendly national energy policy.

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

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I rise in support of the Oil Price Reduction Act. I would like to commend the gentleman from New York (Chairman GILMAN) for his timely response to address this energy crisis.

I believe that this bill is a step in the right direction. Last winter we in the Northeast were feeling the economic sting of this oil crisis due to high heating oil and diesel prices. Now, with increased gasoline prices, the rest of the country is feeling the pain we in the Northeast have experienced for the last 3 months.

I was going to offer an amendment today that would require a report from

the administration distilling what our national energy policy really is and how we can reduce our dependency on foreign oil. Although this amendment was printed in the RECORD, I have been informed that it is not germane.

The thrust of my amendment was to address the question everyone is asking: Why did we not see this coming? Why were we not prepared to meet it?

I am here today to work with you and the Members of this Chamber to find the answers to these questions and also to make sure that we will never again be held hostage by the princes and potentates of the Middle East. These are the same friends for whom a decade ago we risked our sons' and daughters' lives to protect against Iraqi aggression.

The bottom line is that we lack a coherent national energy policy to insulate us from volatility in the markets. To my knowledge, the only visible policy this administration has demonstrated is to have Secretary of Energy Richardson globe-trot to palaces in the Middle East to plead and petition those princes to ease our burden.

As this drama unfolds and more bankruptcies pile up, more independent trucks will be idled, parked or sold, another farmer will go out of business, another family will have their budget busted.

On the 27th, OPEC will meet to determine our near-term economic future. We should not have to wait on OPEC to determine our economic future. OPEC may extend the existing production cuts; and according to the international energy agency, global supplies could be as much as 3 million barrels per day below demand. Now we have to have a coherent energy policy so that we are working towards a long-term solution.

Ms. LEE. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I think everyone recognizes that we are in the midst of a serious crisis. The leadership of the House decides for this serious crisis that each side will have one-half hour for the discussion; that any amendments that would directly affect the supply, availability of product, alternative energy, any attempt to provide additional support for the strategic petroleum reserve, will be out of order.

Think about this: it may be understandable that the leadership of this House, for the 6 years they have been in control, they have stopped every effort at increasing the fuel efficiency of automobiles, that they have resisted filling the strategic petroleum reserve, and now sit on that legislation which expires this month and refuses to reauthorize it.

All that may have been understandable for the last 6 years, that ideologically they felt government had no role in energy policy, that we did not need to invest in more efficient automobiles and weatherizing homes and having a substantial strategic reserve, in working on alternative energy policy, on conservation programs. But now we have been awakened again. We now find ourselves in a created crisis. OPEC has used its coordinating production policy to drive up the price of heating oil, first; and as the heating oil season demands are reduced, we are now seeing the impact on gasoline prices.

What is the response from the Republican leadership? We are going to have a half-hour on each side to discuss sending the President a request for a report.

It seems to me that we owe our constituents more; that the gentleman from New York may be restricted by jurisdiction, but clearly the Committee on Rules and the leadership of this House could have brought to the floor legislation that starts today that would authorize this strategic petroleum reserve.

The Speaker of the House and the Committee on Rules could have brought to the floor legislation to help us create new energy through conservation. Every study indicates you can produce more energy dollar for dollar through conservation, insulation and weatherization than even drilling for new oil in proven fields.

In the 1970s, as we began to press the automobile industry to increase the fuel efficiency of cars, time and time again we were told you could not do so. Time and time again we were told by the automobile industry, you cannot get cars that Americans will drive to get 20 or 22 miles to the gallon.

Again, I tell you, I was thinking about when my children graduated from college. I was in a Chevrolet dealer, and I looked at a brand new Corvette. Twenty-seven miles to the gallon, fun to drive, fast, a substantial car. Family cars getting 22, 25, 26 and 30 miles to the gallon.

We do not have to tell people who need large vehicles or large trucks they cannot have them. We merely must demand that the fleet averages are increased. But, no, the Republican leadership in the House has, year after year, prevented the Clinton administration from moving forward to increase automobile standards.

If we had as illogical a system for electric energy as we have for heating oil in the Northeast, there would be criminal charges against the administrators. It is as if we would allow the electric companies to shut down half the generating capacity, and then be shocked when we were short of power in August.

We have had the lowest reserves, we have had the whole system changed to just-on-time delivery; and yet today, when the Congress has been doing virtually nothing, we do not take the time to pass a Northeast reserve for heating oil.

Again, we are given 30 generous minutes to discuss the very limited jurisdiction the gentleman from New York has for his bill, which was even further shrunk by the Committee on Rules; and, no, we cannot deal with the strategic reserve, we cannot deal with the heating oil reserve for the Northeast, we cannot deal with conservation measures.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. BARTON of Texas. Mr. Chairman, the Northeast heating oil reserve is on the books. It is on the books. The Clinton administration has asked that it be repealed.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from California (Ms. LEE) has 1 minute remaining, and the gentleman from New York (Mr. GILMAN) has 3 minutes remaining.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, in closing, what is clear here is we have had an extended period of time of the most powerful economy in the history of this country. We have had a situation where it may be reasonable to assume that both the administration and Congress went to sleep. At least the Republicans refused to move any conservation legislation forward.

Today, and for the last several months, we have had the wake-up call. We have had a wake-up call that there is a crisis; 60,000 barrels from Alaska go to Japan. We have a situation today where that oil ought to be coming home here to the United States. We ought to be working on conservation. We ought not wait even for this administration.

We ought to be doing more than having a 30-minute discussion about a bill that asks the President to send us a report about a crisis we well understand. We need to move legislation from the House to protect the people we were sent here to represent.

Mr. Chairman, I urge Members to press the Speaker and the leadership of this House to move positive legislation.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, section 157(a)(1) of the Energy Policy and Conservation Act is entitled Regional Petroleum Reserve. It gives the strategic petroleum reserve plan. It shall provide for the establishment and maintenance of a Regional Petroleum Reserve in, or readily accessible to, each Federal Energy Administration Region, as defined in title 10, Code of Federal Regulations in effect on November 1, 1975.

It is in effect today. The Clinton administration has sent a letter to my subcommittee asking this be repealed.

Mr. GILMAN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 2½ minutes.

Mr. GILMAN. Mr. Chairman, the debate on this measure has revealed that

there a strong sentiment in the House regarding the recent sharp rise in world oil prices and the impact these increases have had on our Nation's economy.

There is also a clear understanding among our Members that these increases have not been produced by any natural economic force in an open and free marketplace, but by the concerted effort of a cartel, a cartel fixing higher prices for its product by restricting supply.

I am fully aware, Mr. Chairman, that a number of our Members would have preferred that this bill address a number of broader energy policy issues, such as the establishment of the heating oil reserve, the release of the oil in the strategic petroleum reserve, and a wide range of tax credits and incentives for increased domestic production. Some too prefer an even tougher approach to those petroleum exporters that have engaged in price-fixing to the detriment of our Nation's economy.

While I am sympathetic to those views, I am convinced that upon the whole, this measure is balanced, forward looking, and prescribes a policy that the administration may pursue to address and alleviate this problem.

This is a first and perhaps the most concrete step that the Congress will take in addressing the problem caused by the recent excessive increase in the price of oil. By adopting this measure, the House will be sending a strong signal to the OPEC countries and to other petroleum exporters that also are artificially restricting their oil production that continued price-fixing efforts to prop up the price of oil will be an important consideration in our overall foreign policy considerations.

Although our Nation has one of the most unselfish approaches to its foreign policy of all the world's nations, when countries that benefit from our good will conspire to harm our interests, economic or otherwise of the America people, we will respond accordingly. While our energy requirements may make us dependent, we are not powerless.

Accordingly, to address our oil crisis, I urge my colleagues to vote in support of H.R. 3822, the Oil Price Reduction Act of 2000.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in favor of the Oil Price Reduction Act of 2000. Like most Americans, I am deeply troubled by the sharp increase in the price of petroleum products, as well as their impact. Fuel oil is especially crucial in the Northeast, and in my home state of New Jersey, where about one-third of the residents heat their homes with oil. Middle class families and seniors on fixed incomes cannot afford the nearly doubling of their heating oil expenses.

It requires the President to send Congress a report explaining our security, economic, and trade relationships with Organization of Petroleum Exporting Countries' (OPEC) members and other key oil exporting countries. And it requires the President to outline the diplomatic efforts that we are taking to convince all oil exporting nations that price fixing is wrong, and that volatile oil prices will have a negative effect on the world economy. Additionally, it requires the Administration to take the steps necessary to dismantle oil price fixing arrangements.

I believe that just the threat of action, such as exemplified by the Oil Price Reduction Act, has already encouraged OPEC and other oil exporting nations to change their production quotas. Mexico, Norway, and Venezuela are already on record supporting an increase in crude oil production, and next week OPEC nations will meet to discuss raising their quotas. We need to continue this diplomatic momentum and pass this bill today.

Unfortunately, for too long, the Clinton Administration, particularly, Energy Secretary Bill Richardson, has seemed satisfied with a wait and see attitude. I reject this approach. If we just wait around for prices to drop on their own, people will go bankrupt and the economy could catch a nasty bout of inflation. I am worried that the Clinton Administration is playing with fire here through its inaction.

The administration should have been addressing the energy crisis with oil exporting nations on a daily basis and it should have long ago been applying pressure where and when it was needed. The Oil Price Reduction Act will force the Administration to stay focused on the need for stable and reasonable oil prices and get tough with oil price fixing countries. If the United States told oil exporting nations that we would be forming an international cartel to raise the price of grains and bread by 200 or 300 percent, they would be the first to yell 'foul,' and they would be justified in doing so. But I fail to see why the Clinton Administration's diplomacy is so bereft of outrage.

The OPEC cartel's production cuts have unquestionably been the catalyst for rising oil prices, driving the price per barrel from $11 in December of 1998 to over $30 a barrel today. While we have recently been somewhat effective in our energy related discussions with OPEC, the Oil Price Reduction Act will ensure that we take the critical steps necessary to identify the threats to our energy security, develop options and a coherent plan, and effectively pursue policies that will stabilize world prices and head off price fixing arrangements that threaten the U.S. and world economies.

Middle class American families, senior citizens of fixed incomes, and truck drivers cannot afford inaction. The Oil Price Reduction Act will help lower prices and provide a mechanism to guard against future price fixing schemes.

Mrs. FOWLER. Mr. Chairman, I rise in support of the Oil Price Reduction Act of 2000.

The increase in gas prices over the last 12 months has been the largest in history.

Last week I received a call from an independent trucker in my district asking Congress to do something about the sharp increase in the price of fuel. He is currently paying $200 more a week for fuel than he was paying less than a year ago. This is money that comes directly from his pocket. It is money that should be going toward taking care of his family—not to a cartel of oil billionaires.

This gentleman called my office pleading for help. Help that has not been delivered by the current administration, whose own Secretary of Energy admitted that they were not prepared when the problem arose. The Energy Secretary has stated ''We were caught napping. We got complacent.''

The Oil Price Reduction Act calls upon the President to implement a foreign policy related to oil producing nations who are involved in price-fixing. A policy that would help stem the type of energy crisis we are seeing right now. A policy that for almost 8 years, the Clinton-Gore administration has done nothing to develop.

I ask for your support of this bill to send a message to the international community that the United States government takes the price-fixing of foreign oil very seriously. This is an important step in providing relief for constituents in my district and throughout the country.

Mr. SANDLIN. Mr. Chairman, for the life of me, I cannot understand why we are debating a bill that does absolutely nothing to address the problem at hand. H.R. 3822 is not even a band-aid solution to the problem—it is mere lip service.

When is this House going to have a real debate on national energy policy—or better yet, our lack of one?

I have no doubt that every Member in this House is concerned about the economic ramifications of the recent oil price spike. When the price of gas at the pump goes up drastically in just a week, everyone feels it in his pocket. This unexpected economic hardship on the consuming public and the economy is of great concern to us all.

But where was the concern in late 1997, 1998, and 1999, when the domestic oil and gas industry was being decimated by eighteen (18) months of historically low prices? During that time, the federal government stood by and watched as thousands upon thousands of independents—many of whom were Texans with family-owned businesses that had been in operation for generations-called it quits. The government did nothing to help those producers.

Now, I know it is hard for Members from non-producing states to care much about the price of gas when it is rock-bottom cheap. The economy buzzes along and the consuming public benefits at the pump. But Members from producing states feel the crunch at both ends of this country's wild energy price fluctuations. During that eighteen (18) month period, more than 150,000 oil wells—25 percent of total U.S. oil wells—were shut down, and U.S. industry lost more than 65,000 jobs. Where was the help then?

As policymakers, we need to acknowledge that the boom-and-bust cycle in oil prices—which dropped prices to below $10 per barrel just last year, then boosted them to more than $30 in recent days—negatively impacts the economy, the consuming public and the domestic petroleum industry. This country cannot stand by and ignore the implications of an unstable oil market. The benefits we derived from low oil prices last year are quickly stripped away by the high prices of today. No one benefits from this instability.

Furthermore, in addition to the economic disruptions caused by oil price instability, these fluctuations also endanger our national security. When oil prices began dropping to historic lows in November of 1997, independent oil and gas producers lost billions of dollars as foreign governments fought for market share in the U.S., with the express intention of eliminating our domestic production.

As domestic oil production continues to decline, U.S. dependence on foreign oil has actually grown, from 36 percent in 1973, to

about 56 percent today. That makes the U.S. more vulnerable than ever, both militarily and economically, to disruptions in foreign oil supplies.

Mr. Chairman, it is time we recognize that oil is a strategic commodity. It is absolutely vital that the government have policies in place that protect the U.S. oil and gas resource base. Oil is the nation's economic lifeblood, and we need to get ourselves off foreign life support.

This is not an easy task. Now that the price of crude is high, we might make the mistake of assuming that domestic oil and gas producers do not need our assistance. One only has to look to history to know that this assumption is a dangerous one. Prices will continue to wildly fluctuate unless we act now to stabilize the market. The best way we can do that is to take back some of the control we have lost to other oil producing nations.

After the sustained drop in the price of crude in recent years, it will take time and stability for the domestic industry to fully recover. Tax reforms could be a major step toward directing capital to finding and recovering oil and gas in the United States and bringing these resources to market for the benefit of all Americans.

With this goal in mind, I had hoped to bring a package of tax incentives for domestic oil and gas producers to the floor today as an amendment to this bill. Unfortunately, the Republican leadership did not allow my amendment to be made in order. My amendment would have reformed the tax code to provide incentives for domestic oil and gas production and exploration by removing the barriers to capital access that are causing the mass exodus of independent producers from the domestic industry. The lack of foresight and hindsight on this issue is frustrating and troubling to me.

Mr. Chairman, I am not suggesting that we should vote against this bill. It at least brings some level of attention to the underlying problem. But this is clearly an exercise in futility, and I am greatly disappointed that the Republican leadership has chosen to deny us a meaningful debate on the policies that would get to the heart of this country's energy problems. I urge my colleagues and the leadership to join me in a serious effort to craft a national energy policy, one that affords us price stability as well as economic and national security. Our independence and future security depend on it.

Mrs. LOWEY. Mr. Chairman, I support the Oil Price Reduction Act of 2000, but I regret that the rule has substantially lessened the potential impact of this legislation by preventing the consideration of meaningful proposals to relieve our country's energy crisis.

This bill makes an important statement—the United States will no longer tolerate the manipulation of our energy supplies by a price fixing cartel, and we are prepared to take concrete measures to protect the American people from inadequate supply and astronomical prices. We have the opportunity today to begin dismantling OPEC's unfair and disingenuous pricing policies by investigating the detrimental effects of these policies on the United States economy, and by undertaking decisive diplomatic steps to change the current situation. We have a responsibility to our constituents to ensure that our economy is no longer held hostage to the whims of those countries that export their oil to us.

But while this legislation is a good start to solving our energy problems, it could have been a great deal stronger. We should be debating legislation that explicitly authorizes the President to consider a country's involvement in oil price fixing when making decisions about U.S. assistance or arms sales. We should be debating an amendment to use the Strategic Petroleum Reserve to increase the supply of oil in the domestic market. And we should be debating an amendment to strengthen programs that develop energy efficient technologies.

Mr. Chairman, this bill is a good start, but it doesn't go far enough. I urge my colleagues to support this legislation, and also to continue to work together to enact the meaningful remedies that we could not debate today.

Mr. SWEENEY. Mr. Chairman, I rise in support of this legislation that takes a reasonable first step at illuminating the failure of our nation's energy policy.

Gene Sperling, the chief economic advisor in the Clinton Administration might have it right when he calls their dealings with OPEC "'Quiet Diplomacy.''

'Quiet'' is what this Administration's reaction has been since experts began warning of an impending crisis last November. The silence is deafening.

In the Northeast, we've been calling for help for months. I contacted the Administration in January to urge action, and I know many of my colleagues here did as well. We received what I would call a ''quiet'' response. Our pleas have fallen on deaf ears.

After a winter of economic hardship for so many in the Northeast, Spring breaks with no promise of easing their burden. While the rest of the nation reels from daily-increasing gas prices, we in the Northeast have been suffering for many months.

Mr. Chairman, Northeasterners' budgets continue to get socked, the only difference being it hits at the gas pump instead of their heating oil tanks. Silence from the Clinton Administration.

I would ask the President, when are you going to start feeling our pain?

''Quiet'' does not describe the anger of my constituents bearing this burden. ''Quiet'' does not describe my response or that of my colleagues joining me here today.

We are here to raise the volume on this debate and talk about ensuring a consistent energy policy.

An energy policy that promotes reasonable fuel prices through the growth of domestic oil production.

A policy that supports alternative energy sources, takes the needs of America into account and preserves the environment.

Mr. Chairman, by ending the silence I hope we can forge a consensus and move towards a sound energy policy.

Mr. BLUMENAUER. Mr. Chairman, our nation needs a real energy policy rather than allowing ourselves to be surprised with global price changes. We need to support incentives to improve energy efficiency such as tax credits for new energy and alternative fuel technologies, as well as improved efforts to weatherize homes and businesses.

As Charles Krauthammer pointed out in the Washington Post, we are becoming a nation of oil addicts. The past decade has seen an increase in gas-guzzling SUV's and a dramatic increase in the number of vehicle miles traveled. Average fuel efficiency has remained unchanged for the last 10 years. Congress has repeatedly refused to increase CAFE standards for SUVs and light trucks, going so far as to prevent the U.S. Department of Transportation from even studying the impacts on oil consumption and air quality from increased CAFE standards.

In real terms, there have only been four years out of the last 70 where the price of a regular gallon of gasoline was as low as it is today. Gasoline is getting cheaper and cheaper all the time. There are some real problems for home heating oil costs and supply flows, but it is important to put gas prices in perspective.

Nevertheless, we need to make sure that the free market is really free. If that requires legislation, let's get on with it. Everyone needs to play fair and by the rules. Any suspicion that oil producers are artificially ''fixing'' the price of oil should be investigated fully. Oil producing nations do receive assistance from us, and we need to make sure they understand that unless the free market is allowed to work, we may reconsider future assistance. Our diplomatic efforts should be firm but not heavy-handed.

Our nation cannot afford to set our own energy policy with the assumption that petroleum supplies are unlimited and that we will always have the world's lowest oil prices. Record low oil prices last year made us lazier on conservation and the development of new energy technologies. A kink in the supply chain today could develop into a full blown oil crisis tomorrow. We need to remain vigilant on providing people with more transportation choices and higher efficiency standards to conserve the oil we have.

Mr. HALL of Texas. Mr. Chairman, I rise today on this legislation by my good friend from New York (Mr. GILMAN)—not to point fingers at anyone for finding ourselves in the circumstances we find ourselves in today, but simply to make a plea—that we develop and implement a workable national energy policy.

Today's legislation does not do that. In fact it deals mostly with symptoms of the problem—not the underlying problem itself.

OPEC is only a transitory problem. Oil prices rise and oil prices fall—and it has been that way since oil took its place as the fuel of choice for such basic uses as transportation, hearing and industrial processes. The measures contained in this bill to bring the OPEC cartel to its knees are nothing more than a reiteration of authorities that already exist in law today.

One of the real problems is availability of competing fuels in the areas of the country reliant on heating oil. And there are others. Let's look at the northeast. Natural gas provides a clean alternative to heating oil, but they can't burn it in those areas if they can't get it. The federal government can do more to ensure that natural gas is more readily available to industrial New England as well as its residential consumers. I believe fuel competition would do wonders for fuel prices in the Northeast and help clear the air in the process.

Let's work on things like getting natural gas into the northeast—things that we can accomplish—not tilt at windmills like OPEC—which we are unlikely to influence in the short term. The OPEC members will have a falling-out—just like they always do—and prices will fall. Let's pay more attention to what we can do

domestically to avoid the problems of this winter.

I'm going to vote for this bill but without any enthusiasm. I believe it will accomplish little or nothing and it detracts from dealing with the hard issues that really will help bring about stable oil prices. The northeast and the oil patch have a common objective—stable prices, and we ought to have the opportunity to bring legislation to this floor which will do that.

Let's don't kid ourselves. It's easy to beat up on OPEC. The hard part is finding agreement on things that really work—like increasing domestic production, expediting pipeline projects, opening up some of our public lands to exploration and development. When we take on those issues, I will know that we are really serious about finding solutions that will help us out the next time prices run-up. Let's finish our fun today, then turn our attention to the really hard issues.

Mr. UDALL of Colorado. Mr. Chairman, I reluctantly support the rule and will support the bill, but I think we should be doing more. The bill, as amended by this rule, would direct the President to undertake diplomatic efforts to convince countries engaged in oil-price fixing that the current high oil price levels will negatively affect global economic growth rates.

I think this is something that the President has been doing all along, but I support this congressional action to emphasize the importance of this strategy.

I am hopeful that the passage of this bill will spark a much-needed global discussion on current high oil prices. But it's not enough for us to hope that this global discussion will result in reduced oil prices. Here at home, we need to remember the importance of seeking out alternative energy sources to replace our dependence on ever-dwindling supplies of fossil fuels.

That's why I hoped to offer an amendment to the bill that would have authorized the President's fiscal 2001 budget request for the Department of Energy's solar and renewable energy research programs. It was to be very similar to an amendment I offered and the House unanimously adopted on the Floor during last year's debate on HR 1655, the bill to authorize the Department of Energy's energy research programs. However, the rule does not make that amendment in order. I would have preferred a rule that would have done so.

Unfortunately, the Senate has not yet acted on the DOE authorization bill, It seems to me that we ought to seize the opportunity for the House to once again move to reauthorize these important programs that can lessen our dependence on foreign oil.

There would have been no inconsistency between my amendment and the purpose of the underlying bill. Just like the underlying bill, my amendment would have helped to lessen America's dependence on foreign oil and thus to act as leverage against the price increases of foreign producers. Given the current public concern about the high price of imported oil, I believe it would have been appropriate for the House to consider not just one approach to reducing oil prices, but to consider all approaches that promise to bring down prices by addressing the core problem: our continued dependence on imported oil.

We need to invest more in renewable energy programs. They benefit our economy by stimulating private sector activity and adding jobs. They reduce our reliance on imported oil. They have a positive impact on air and water quality. Renewable energy and energy efficiency is all about an investment in America's future—the future of our energy security, our environment, and our international competitiveness.

We can't go on year after year without giving adequate attention to developing renewable energy. For our investment in these technologies to pay off, our efforts must be sustained over the long-term. To me, the recent rise in energy prices indicates that we haven't been paying enough attention to the long-term.

Once again, Mr. Chairman, I am pleased that we are here today to address this urgent issue. I just wish we were being asked to vote on a bill that did more than merely encourage the President to engage in diplomatic efforts as a way to reduce oil prices. It's time for us to think about addressing serious problems with serious solutions.

Mr. GALLEGLY. Mr. Chairman, I rise today in support of H.R. 3822 regarding OPEC's role in raising oil prices to the detriment of the U.S. and other industrialized nations. I want to commend the Chairman of the International Relations Committee, Mr. GILMAN for his efforts to find ways to help our constituents with this problem.

Everyone knows prices are skyrocketing at the gas pump. Others are beginning to realize that crude oil prices are also driving up the costs of paving your driveway, painting your house or installing new carpet—all of which contain oil products.

Prices for most everything else will also likely rise as well as transportation costs are passed on to consumers.

It is critical, Mr. Chairman, that we find a short-term solution to this problem. But it is equally critical that we find long-term solutions so that we are not faced with another price crisis next Fall or next year.

The International Relations Committee reported this bill which was designed to reduce or terminate foreign assistance or weapons sales to any country that engages in oil price fixing. This is a reasonable position to take because it sends a message that if our friends among the oil producing nations wish to continue to have good relations with the U.S., which is supporting their efforts to defend themselves and their resources, then we all must cooperate across the board.

Last week, I wrote to President Clinton, urging him to take immediate action to persuade the Organization of Petroleum Exporting Countries to increase production. OPEC is meeting next week to reconsider whether they should boost oil production in order to allow oil consuming nations, particularly the U.S., to refill its critical oil reserves and to stabilize oil prices. We all know that the oil producers were not happy when oil sold for $10 per barrel. And maybe we, as a nation, did lower our commitment to energy conservation in the wake of cheap prices at the pump. But now the pendulum seems to have swung too far in the opposite direction and it is critical that the OPEC nations understand the position of the United States well in advance.

As I pointed out to President Clinton, we went to war and shed American blood to protect two Persian Gulf OPEC nations—Kuwait and Saudi Arabia—from Saddam Hussein and we pitched in with unswerving support for Venezuela during its recent natural disaster. It is inexcusable, then, that these same countries are conspiring to keep oil production low which results in increased gas and other fuel costs. Similarly, in the case of Mexico, the health of their economy is highly dependent on the strength of ours. They must know that these policies will slow the economic vitality of the U.S., which in the long run will negatively affect their own economies.

Having said that, Mr. Chairman, once crude oil prices are stabilized, the President and the Congress must resolve to create a new national energy strategy. As Energy Secretary Bill Richardson said on February 16th: ''It is obvious that the federal government was not prepared. We were caught napping.''

That is unacceptable. It is also unacceptable that the U.S. relies on foreign imports for 56 percent of its crude oil needs—up from 35 percent during the 1973 Arab oil embargo. At the same time, domestic production has fallen dramatically.

U.S. energy policy is serious business. It affects our entire economy. When the administration is admittedly caught napping, the American people suffer.

Mr. Chairman, I urge passage of this legislation as a sign of our concern to our friends in OPEC. But beyond that, we must, as a nation, get serious about our future energy needs.

Mr. WELDON of Florida. Mr. Chairman, we have a crisis in this country, and I rise in support of using all of the tools at our disposal to end this crisis. I rise in support of the American people, the American family, and the American worker. Mr. Speaker, today I rise in support of the Oil Price Reduction Act of 2000.

We need to pass the Oil Price Reduction Act to officially hold the Clinton-Gore Administration accountable for the oil crisis that they have created. Any spike in the oil prices dramatically affects every family in the country. When the price of transportation rises—all prices rise. Nothing, not a loaf of bread, not a home computer, not a gallon of milk can get from their points of production to the home without using petroleum to fuel the machines to get it there.

Families in the Midwest and the northeast have been forced to readjust their budget to ensure that they could afford heating oil during the mass cold spells this winter. Now families are looking to take a vacation, and have to take another look at their wallets to make sure they can afford it. Even if they can make the trip, many will be forced to change the duration or possibly the destination of their vacation.

How did we get this point? According to the Congressional Research Service, OPEC decided at a meeting in March 1999—more than a year ago—to drastically scale back petroleum production. Today the American people are feeling the brunt of the OPEC cartel's decision.

What does the Clinton-Gore Administration say about this? Well, let me tell you, on February 17, Energy Secretary Bill Richardson told some consumer groups and industry leaders in Boston, ''We were caught napping. We got complacent.'' Later that same day, on the NewsHour with Jim Lehrer, he reiterated, ''Everyone was caught napping.

Secretary Richardson, you knew a year ago that OPEC was cutting production. That's not napping, that's hibernating. That's a slumber

that would give Rip Van Winkle a run for his money. It is the responsibility of the U.S. Department of Energy to ensure a stable supply of affordable energy. Look at the Department's own website where it states: ''The Department of Energy is working to assure clean, affordable, and dependable supplies of energy for our nation, now and in the future.''

On accepting the position of Secretary of Energy, on August 24, 1998, Secretary Richardson stated: ''One of my highest priorities at the Department of Energy will be to let the American people know the many ways in which we serve them and to determine how we can serve them better. I want the American people to know that the Department is their public servant and that we are working for them.—August 24, 1998.''

Napping while OPEC cut production in order to push gas prices over $2/gallon is not the sort of thing we had in mind.

It seems that only in the past month, the Clinton-Gore-Richardson team got engaged in this issue. One of the principle responsibilities of the U.S Department of Energy is to ensure a stable supply of affordable energy. The Administration has failed miserably in this respect, and the American people are paying the price, literally. The average family will have to pay out between $500 and $1,000 extra this year, just to fill their tank with gasoline. This will cut into the family budget significantly.

This bill before us will force the President to determine the oil pricing practices of the OPEC countries. We have known that they have been involved in price-fixing. It's not legal here in the United States—so why would the Administration tolerate price fixing among other countries?

We give these OPEC countries millions of dollars in federal aid and defense assistance each year. We protect them and their citizens every time they have a Middle East squabble. We are the first to assist them in their times of need. And how do they thank us? By consorting among themselves to ensure the highest price for their oil exports to the United States—and the Clinton Administration sat idlely by until the American people saw what was in store and got outraged.

While giving the President ample time to pursue a diplomatic remedy to this crisis, this Act ensures that, should OPEC nation's continue price-fixing to the detriment of the U.S. economy, we will scale back or even revoke our federal assistance to these nations. This is a fair and prudent process. A process which has been well within the authority of the Clinton-Gore Administration since OPEC's decision to cut back production a year ago.

This increase in gas prices over the last 12 months, is the largest increase in U.S. history, the average cost for a gallon of gas to the American family is $1.54, and our national oil inventories are at the lowest level in four years.

Mr. Chairman, we are in a time of crisis, I look to the Members of this body to pass the Oil Price Reduction Act of 2000 and force the Clinton-Gore Administration and Secretary Richardson to wake up from their hibernation, smell the coffee, and take firm action against those who have been permitted to hold the American people hostage to higher gas prices.

Mr. PETRI. Mr. Chairman, I rise today in strong support of H.R. 3822, ''The Oil Price Reduction Act of 2000.''

I would like to thank the gentleman from New York, Mr. GILMAN, for his leadership in bringing this important piece of legislation to the floor this afternoon.

H.R. 3822 represents an effective, forward-thinking approach to reforming our Nation's failed energy policy and providing long-term relief to our Nation's consumers.

Every day we see newspaper or television reports on the rising cost of fuel. There are stories about truckers having to park their trucks because they can't afford to keep them running. Many airlines have already imposed surcharges to reflect their higher costs. And there is plenty of speculation in the press about how high prices will really go before the summer vacation season. Prices of $2 per gallon, which seemed far-fetched just weeks ago, now don't seem out of the question.

Prices are simply too high and have risen too fast. The United States has been caught flat footed and its economy is at the mercy of foreign oil suppliers. The situation is unacceptable and we must take action.

Since the current Administration took office, domestic oil production has dropped by 17% while consumption has increased by 14%. This, along with an oil cartel run by countries that are supposed to be our allies who the President is supposed to be able to influence, seem to me to be the real causes of high fuel prices.

This legislation is an important tool that the U.S. can use against foreign oil producers who constrict supply to drive up the price of their product. It affords us significant diplomatic leverage in difficult economic times, and I believe that this sort of supply-side solution is the most effective way to prevent the kind of price escalation we see today from occurring in the future.

Mr. COSTELLO. Mr. Chairman, we find ourselves in an unhappy situation today with respect to fuel oil, gasoline, and diesel prices. We learned from our last experience with high energy prices in the 1970's the importance of energy supplies to our citizens and our economy.

This bill is a weak attempt to address our current and long-term energy needs. We need sustained funding for long-term and medium-term programs that improve the efficiency of energy use and that diversify our energy supplies. We have let low energy prices that we have enjoyed in the past few years be the justification for cuts in energy efficiency and energy research and development programs. The administration has consistently requested larger sums for these accounts than have been appropriated.

For example, the Weatherization Assistance Program, which was cut by 50 percent in 1995, helps to make housing more energy efficient. The program now weatherizes an average of 70,000 dwellings a year at a current appropriation of $135 million. If we had level funded the Weatherization Assistance Program from 1996 through this year, DOE would have weatherized 248,000 more homes than we were able to under the existing appropriations.

Compare this to the funds we need to spend under the Low Income Heating Assistance Program which serves over 4 million households at a cost of more than $1 billion. By making homes and buildings more efficient, we can serve more of our needy constituents with the limited LIHEAP funds that we have and ultimately we would be able to reduce the funds that we must pay under LIHEAP.

One of our best defenses against high energy prices is to decrease our energy demand through the use of energy efficient products both by industry and by consumers. Some of our past investments in these areas have helped us to weather this current high energy price storm, but obviously we must do more. High energy prices take a toll on household budgets directly through home and transportation energy use and indirectly as consumer prices for goods rise in response to energy prices. Decreasing the proportion of these budgets that are devoted to energy purchases saves money for households and for businesses everyday and is our best insurance against future price increases.

Mr. MENENDEZ. Mr. Chairman, residents in my home State of New Jersey certainly haven't been immune to exorbitant energy prices. The cost of home heating oil for my constituents has doubled to $2 a gallon in just a matter of weeks. As a result, a typical household could spend an additional $350 or more in home heating costs this winter.

Consumers, truckers, and other oil dependent industries have been suffering for months as a result of these excessive prices. Some independent truckers have taken their trucks off the road because they simply can't afford to operate them.

The legislation before us, which I voted for in committee, simply does exactly what the administration has been doing. Secretary of Energy Bill Richardson has already been engaged in diplomatic efforts to leverage our relationship with oil producing nations and to demand an increase in oil production. As a matter of fact, he just recently completed his whirlwind OPEC diplomatic tour, which I'm hopeful will yield results at next Monday's OPEC meeting. Today's debate is simply a ''cheering-on'' of those efforts.

But regardless of what happens on Monday, we need to take steps to protect the American economy and American consumers in the short- and long-terms.

In addition to passing this bill which will send a message to OPEC that the United States will not be held hostage to its monopolistic practices, we should implement President Clinton's initiative to create a home heating oil reserve for the Northeast to cushion future spikes in oil prices. We should also reauthorize the Strategic Petroleum Reserve, which is set to expire next week—on March 31. Regardless of your position on drawing down the reserve in this crisis, I think we can all agree that the option should remain available to address fluctuations in the market.

For the last 5 years, the Republican majority has failed to provide Americans with energy security. Rather than address the real issues, our Republican colleagues have failed to bring a Strategic Petroleum Reserve reauthorization bill to the floor; they continue to send Alaskan oil to Japan, despite our current domestic price spike; and they have failed to fund research and development into alternative fuels and energy efficiency. They have not only failed to build up the Strategic Petroleum Reserve when fuel was cheap, but they proposed eliminating the Department of Energy and selling off the reserve, even when the nation was not facing an energy crisis, simply in order to balance the federal budget. Despite their claim that the administration should repeal the gas

tax, they have failed to even bring the issue to the floor for a debate.

It's obvious that we must do more than has been proposed today to ensure that consumers in the Northeast will never again have to forfeit heating their homes, in order to feed their families.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by striking subsection 6(c), 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.

□ 1745

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 read.

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

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Price Reduction Act of 2000''.

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Oil producing countries, including the nations of the Organization of Petroleum Exporting Countries (OPEC), took concerted actions in March and September of 1999 to cut oil production and hold back from the market 4,000,000 barrels a day representing approximately six percent of the global supply.

(2) OPEC, in its capacity as an oil cartel, has been a critical factor in driving prices from approximately $11 a barrel in December 1998 to a high of $30 a barrel in mid-February 2000, levels not seen since the Persian Gulf Conflict.

(3) On February 10, 2000, a hearing before the Committee on International Relations of the House of Representatives on ''OPEC and the Northeast Energy Crisis'' clearly demonstrated that OPEC's goal of reducing its oil stocks was the major reason behind price increases in heating oil, gasoline, and diesel oil stocks.

(4) During this hearing, the Assistant Secretary in the Office of International Affairs of the Department of Energy noted that artificial supply constraints placed on the market are ultimately self-defeating in so far as they increase volatility in the market, lead to boom and bust cycles, and promote global instability, particularly in developing countries whose economies are extremely vulnerable to sharp price increases.

(5) These price increases have caused inflationary shocks to the United States economy and could threaten the global economic recovery now underway in Europe and Asia where the demand for oil is rising.

(6) The transportation infrastructure of the United States is under stress and tens of thousands of small- to medium-sized trucking firms throughout the Northeast region are on the verge of bankruptcy because of the rise in diesel oil prices to more than $2 per gallon—a 43 percent increase in the Central Atlantic region and a 55 percent increase in the New England region—an increase that has had the effect of requiring these trucking firms to use up to 20 percent of their operating budgets for the purchase of diesel oil.

(7) Many elderly and retired Americans on fixed incomes throughout the Northeast region of the United States cannot afford to pay the prevailing heating oil costs and all too often are faced with the choice of paying the grocery bills or staying warm.

(8) Several key oil producing nations relied on the United States military for their protection in 1990 and 1991, including during the Persian Gulf Conflict, and these nations still depend on the United States for their security.

(9) Many of these nations enjoy a close economic and security relationship with the United States which is a fundamental underpinning of global security and cooperation.

(10) A continuation of the present policies put in place at the meeting of OPEC Ministers in March and September of 1999 threatens the relationship that many of the OPEC nations enjoy with the United States.

The CHAIRMAN. Are there any amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC 3. POLICY OF THE UNITED STATES.

(a) POLICY WITH RESPECT TO OIL EXPORTING COUNTRIES.—It shall be the policy of the United States to consider the extent to which major net oil exporting countries engage in oil price fixing to be an important determinant in the overall political, economic, and security relationship between the United States and these countries.

(b) POLICY WITH RESPECT TO OIL IMPORTING COUNTRIES.—It shall be the policy of the United States to work multilaterally with other countries that are major net oil importers to bring about the complete dismantlement of international oil price fixing arrangements.

The CHAIRMAN. Are there any amendments to section 3? If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. REPORT TO CONGRESS.

Not later than 30 days after the date of enactment of this Act, the President shall transmit to the Congress a report that contains the following:

(1) A description of the overall economic and security relationship between the United States and each country that is a major net oil exporter, including each country that is a member of OPEC.

(2) A description of the effect that coordination among the countries described in paragraph (1) with respect to oil production and pricing has had on the United States economy and global energy supplies.

(3) Detailed information on any and all assistance programs under the Foreign Assistance Act of 1961 and the Arms Export Control Act, including licenses for the export of defense articles and defense services under section 38 of such Act, provided to the countries described in paragraph (1).

(4) A determination made by the President in accordance with section 5 for each country described in paragraph (1).

The CHAIRMAN. Are there any amendments to section 4? If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. DETERMINATION BY THE PRESIDENT OF MAJOR OIL EXPORTING COUNTRIES ENGAGED IN PRICE FIXING.

The report submitted pursuant to section 4 shall include the determination of the President with respect to each country described in section 4(1) as to whether or not, as of the date on which the President makes the determination, that country is engaged in oil price fixing to the detriment of the United States economy.

The CHAIRMAN. Are there any amendments to section 5? If not, the Clerk will designate section 6.

The text of section 6, as modified, is as follows:

SEC. 6. DIPLOMATIC EFFORTS TO END PRICE FIXING.

(a) DIPLOMATIC EFFORTS.—Not later than 30 days after the date on which the President transmits to the Congress the report pursuant to section 4, the President shall—

(1) undertake a concerted diplomatic campaign to convince any country determined by the President pursuant to section 5 to be engaged in oil price fixing to the detriment of the United States economy that the current oil price levels are unsustainable and will negatively effect global economic growth rates in oil consuming and developing countries; and

(2) take the necessary steps to begin negotiations to achieve multilateral action to reduce, suspend, or terminate bilateral assistance and arms exports to major net oil exporters engaged in oil price fixing as part of a concerted diplomatic campaign with other major net oil importers to bring about the complete dismantlement of international oil price fixing arrangements described in such report.

(b) REPORT ON DIPLOMATIC EFFORTS.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the Congress a report describing any diplomatic efforts undertaken in accordance with subsection (a) and the results achieved by those efforts.

The CHAIRMAN. Are there any amendments to section 6?

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

Insert the following after section 6 and redesignate the succeeding section accordingly:

SEC. 7. SUSPENSION OF EXPORTS OF ALASKAN NORTH SLOPE CRUDE OIL.

(A) SUSPENSION.—Effective on the date of the enactment of this Act—

(1) subsection (s) of section 28 of the Mineral Leasing Act (30 U.S.C. 185(s)) shall cease to be effective; and

(2) subsection (d) of section 7 of the Export Administration Act of 1999 (50 U.S.C. App. 2406(d)) shall be effective, notwithstanding section 20 of that Act.

(b) ADMINISTRATION.—The President may exercise the authorities he has under the International Emergency Economic Powers Act to carry out subsection (a).

(c) LIFTING OF SUSPENSION.—If the President determines that the United States is not experiencing a shortage of foreign crude oil and an inflationary impact due to the demand for foreign crude oil, subsections (a) and (b) shall cease to apply 30 calendar days after the President submits that determination to the Congress.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order that the amendment is not germane.

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

Mr. YOUNG of Alaska. Mr. Chairman, under rule 16 clause 7 of the Rules of the House of Representatives, the amendment deals with a different subject matter than the text of the bill. The fundamental purpose of the amendment is unrelated to the bill which is offered. H.R. 3822 addresses issues relative to the U.S. policy regarding foreign assistance to other countries which engage in oil price-fixing of oil produced in other countries and imported to the United States.

The subject of the amendment is very different from that bill. It would take away the authority of the President to determine whether to ban the exported oil produced on public lands within the United States to other countries. Therefore, the amendment is not germane and I ask my point of order be sustained

The CHAIRMAN. Does the gentleman from Oregon wish to speak on the point of order?

Mr. DEFAZIO. I do, Mr. Chairman.

Mr. Chairman, the bill purports to deal with the oil shortage. My amendment deals directly with the oil shortage, particularly as it relates to the West Coast of the United States. By keeping the Alaskan oil home, we would deal with the oil shortage. So it is certainly, in terms of the intent of the legislation in the bill, in order.

The bill purports in its title and in the assertions in the debate to be targeted at reducing the price of oil. My amendment, by restricting the export of the oil from Alaska, would reduce the price of oil.

The bill says that it will go after countries which fix the price of oil. My amendment goes after companies which fix the price of oil.

The bill finds that oil producing countries took concerted actions in March and September to cut oil production and hold back from the market 4 million barrels a day. My amendment addresses a cut-back in oil available to the West Coast of the United States in the amount of 60,000 barrels a day by bringing this oil home.

So I would argue, Mr. Chairman, that my amendment is germane to the bill. We heard earlier from the Committee on Rules that their intent was to allow amendments to the bill, and I would offer that that is a false promise if all of the amendments that people are going to attempt to be offering are found out of order.

So I would ask the Chair to rule in favor of offering a substantive amendment to a symbolic piece of legislation so that it might actually do something about the problem which is being discussed.

Mr. YOUNG of Alaska. Mr. Chairman, may I explain the reason I brought the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the amendment is redundant, number one. It relates to the export of Alaskan oil. The President now has the authority to do so. The cases in law, 104–58—Section 201, states that if the Secretary of Commerce finds that exporting oil has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels, and further finds these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking the authority to revoke and export.

Mr. Chairman, we also had a GAO report that says there is no impact on the West Coast, and I again remind the gentleman from Oregon that there is no capacity for refining the oil from Alaska. Frankly, I would like to sell it all to the lower 48 if they had refinery capabilities.

So I ask the Chair to sustain the point of order.

Mr. DEFAZIO. Mr. Chairman, if I might just further respond.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, in response to the gentleman from Alaska, his initial point I think was very well taken in this matter, that the authority which I am attempting to extend through this amendment does exist, but this would encourage the President to use that authority.

That is exactly what the bill is doing. The bill does nothing new; it encourages the President to go out and negotiate. The bill encourages the bill to go out and gather information. Certainly, those things are within his authority. In fact, he is already doing them.

So I would argue that my amendment is probably less redundant, and certainly more meaningful, than other provisions of the bill.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Alaska raises a point of order that the amendment printed in the record and numbered 8 offered by the gentleman from Oregon is not germane.

The bill, H.R. 3822, addresses a variety of diplomatic efforts to curb alleged price-fixing in the global oil market. Specifically, the bill states a policy regarding such price-fixing requires the President to identify oil exporting countries that engage in price-fixing and requires the President to undertake certain oil-related negotiations. H.R. 3822 is referred to and reported by the Committee on International Relations and its provisions are confined to the legislative jurisdiction of that committee.

The amendment seeks to suspend exportation of Alaskan North Slope crude oil. It would achieve this result, in part, by waiving application of section 28 of the Mineral Leasing Act. The amendment falls within the jurisdiction of the Committee on Resources.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition ''on a subject different from that under consideration shall be admitted under color of amendment.'' One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committee reporting the bill. This principle is recorded on page 671 of the House Rules and Manual.

The amendment offered by the gentleman from Oregon falls outside the jurisdiction of the Committee on International Relations. The amendment is not germane, and the point of order is sustained.

Are there other amendments under section 6?

AMENDMENT NO. 9 OFFERED BY MR. DINGELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. DINGELL:

Page 8, after line 8, insert the following new section:

SEC. 7. ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION.

(a) TITLE I.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 166 (42 U.S.C. 6246)—

(A) by inserting ''through 2003'' after ''2000''; and

(B) by striking '', to remain available only through March 31, 2000''; and

(2) in section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003''.

(b) TITLE II.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting ''through 2003'' after ''1997''; and

(2) in section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003''.

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Chairman, this bill here does not do much with regard to energy conservation. One thing that has to be done is to reauthorize the Energy Policy and Conservation Act, specifically with regard to the President's authority to draw down the strategic petroleum reserve to deal with any prolonged energy crisis, or any sharp spikes in the energy supply to the United States. It has been used before for this purpose, and it has worked admirably in terms of diminishing some of the more extraordinary movements in the oil and petroleum industry.

The text of the amendment is exactly and precisely identical to S. 1051, which was authored by Senator MURKOWSKI of Alaska, which passed the Senate by unanimous consent last year. I have always opposed precipitous use of the Reserve, which Congress directed should only be drawn down in a severe energy supply interruption, as determined by the President, and in accordance with specific statutory criteria. Certainly there is agreement now as to whether or not the hardships that Americans are currently experiencing, such as high heating oil prices and high gasoline costs, warrant the use of the Reserve. It is my view that they do not at this time.

However, there is no disagreement I think amongst people who are familiar with the situation and with the law and with the history that the Congress must ensure the President continues to have the necessary authority to deploy the Reserve if it becomes necessary to protect either our economy, our national interests or, indeed, the defense of the United States.

The Reserve contains some 570 million barrels of oil which has served useful purposes, as I have mentioned, in connection with the 1991 Persian Gulf War.

This is not, fortunately, a complex drafting matter. The amendment consists of a few small, but necessary, changes to the relevant dates in EPCA. I would submit that the President's petroleum reserve authority is far more useful than some of the other things in this provision.

The White House has warned about the possibility of a veto to this legislation, and the President has issued a statement which says as follows in the last paragraph: ''The administration calls for Congress immediately to reauthorize his Strategic Petroleum Reserve and the International Energy Program at the Department of Energy. This is necessary to ensure that the President retains the ability to use all available tools to respond to the needs of the U.S. economy. Further, to reduce the likelihood of future heating oil shortages which will harm consumers, the administration calls on the Congress to authorize the creation of a home heating oil reserve in the Northeast with an appropriate trigger that could supply additional heating oil to the market in the event of a supply shortage.

Mr. Chairman, I urge my colleagues to support the amendment. I urge them to recognize that there is no controversy with regard to this particular amendment, and indeed, it is something that makes the best of good sense from the standpoint of our national security, from the standpoint of pricing and supply of petroleum products to American consumers.

Mr. Chairman, I urge my colleagues to support the amendment.

POINT OF ORDER

Mr. BARTON of Texas. Mr. Chairman, I make a point of order.

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

Mr. BARTON of Texas. Mr. Chairman, first I want to tell my good friend, the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, I know that he knows this, but I want to repeat it; I have no greater respect for any Member of the House than I do for my distinguished friend from Michigan. However, I rise to insist on this point of order to maintain the prerogatives of the Committee on Commerce for which the former chairman served with distinction for so many years.

The pending amendment that he has just put forward violates clause 7 of rule 16 of the Rules of the House of Representatives which requires that an amendment be germane to the matter that it is amending. It is not germane to the bill because it has a different subject than the underlying bill and the amendment concerns matters entirely within the rule 10 jurisdiction of the Committee on Commerce.

First, the purpose of H.R. 3822 is to direct the President to reduce, spend or terminate foreign assistance in arms export authority for countries determined to be engaged in oil price-fixing. The Dingell amendment, however, reauthorizes the Energy Policy and Conservation Act for the fiscal year 2003. These provisions address an entirely separate question from the one in the underlying bill which renders the amendment nongermane under the rules.

The pending amendment also is entirely within the jurisdiction of the Committee on Commerce under rule 10 of the Rules of the House. The underlying bill, on the other hand, is exclusively within the jurisdiction of the Committee on International Relations. The jurisdiction test has long been regarded as a primary indicator of germaneness.

For these reasons, the pending amendment is not germane to the bill under consideration, and I must insist on my point of order.

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

□ 1800

The CHAIRMAN. The Chair would inform Members that there is no opportunity to yield. The gentleman may proceed.

Mr. DINGELL. Mr. Chairman, I can save a lot of time if I am permitted to have the gentleman yield.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the distinguished gentleman from Michigan be allowed to speak for 1 minute.

The CHAIRMAN. The Chair will let the gentleman from Texas (Mr. BARTON) proceed and then the Chair will go back to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to simply observe that if the unanimous consent is granted, I would simply concede the point of order and would save substantial time to the House and some aggravation to the Chair.

The CHAIRMAN. The gentleman from Texas (Mr. BARTON) may proceed.

Mr. BARTON of Texas. Mr. Chairman, based on that understanding, I would terminate any comments simply to say that sometime next week there are two pending bills at the Committee on Rules, one of which came out of the House, the Committee on Commerce on H.R. 2884, which deals with the reauthorization of EPCA. We should be able to move one of those bills next week.

I insist upon my point of order if the gentleman does not withdraw his amendment.

The CHAIRMAN. The gentleman from Michigan desires to be heard on the point of order?

Mr. DINGELL. Mr. Chairman, I have been doing my best.

Mr. Chairman, may I be recognized on the point of order?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Texas (Mr. BARTON) for his kindness to me. I want to express great affection and respect for the chairman of the foreign affairs committee, the gentleman from New York (Mr. GILMAN). I want to observe that I have been much impressed with the gentleman's statement on the point of order. Regretfully, he is correct, but we still need this language to be enacted into law, and the reason is, without it, the President's ability to address national security questions with regard to oil is very much impaired and the country is put significantly at risk.

Mr. BARTON of Texas. Mr. Chairman, is the gentleman from Michigan (Mr. DINGELL) withdrawing his amendment?

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Texas (Mr. BARTON) raises a point of order that the amendment printed in the RECORD and numbered 9 offered by the gentleman from Michigan (Mr. DINGELL) is not germane. As stated previously, the bill, H.R. 3822, is within the jurisdiction of the Committee on International Relations.

The amendment seeks to reauthorize the Energy Policy and Conservation Act. The amendment falls within the jurisdiction of the Committee on Commerce. The amendment offered by the gentleman from Michigan (Mr. DINGELL) falls outside the jurisdiction of the Committee on International Relations.

The amendment is not germane in violation of clause 7 of rule XVI, and the point of order is sustained.

Are there any other amendments to section 6?

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

Mr. Chairman, I am hoping to take up enough time that maybe the gentleman from New York (Mr. GILMAN)

and the gentleman from Texas (Mr. BARTON) might have to use the restroom when I offer my amendment.

I want to offer to this Congress a suggestion, and I am not going to challenge the ruling of the Chair when I do offer my amendment, because I have too much respect for the Chairman on transportation. He would probably kill all of my projects that I desperately need in my district, so I am not going to do that.

I want to make a couple of points before I offer my amendment, and I want the gentleman from Texas to consider this. And I would like the gentleman from Texas (Mr. BARTON) to pay attention, because I think the chairman should be listening. I can remember about 10 years ago, I had an amendment in a bill before the Committee on Science that would appropriate X amount of dollars to retrieve oil trapped in shale rock.

We have oil reserves trapped in shale rock that can keep America operating without use of 1 pint of foreign oil and not using 1 ounce of our reserves and not using 1 ounce of our normal oil fields.

I want the distinguished chairman of the Committee on Appropriations to listen as well. You know what I was told? We can buy oil, TRAFICANT, at $18 a barrel. Your cost is $28 a barrel to retrieve it. Therefore, we are not going to do it.

Ladies and gentlemen, we can put Americans to work. We have coal coming out of our ears, and we are still dependent upon foreign oil. Before I offer my amendment, I say to the gentleman from Texas (Mr. BARTON), I want the gentleman to listen to it carefully; the Traficant amendment deals with what I think is another conspiracy. In the 1970s those tankers were out at sea, it was not OPEC countries that kept those tankers out at sea; it was American oil companies depriving us of the product, made the demand go up.

They artificially raised above those prices that OPEC would have generated, a tremendous cost factor, and had our people like stupids standing in line waiting to get fuel.

The Traficant amendment would impose the following: the Energy Information Administration within the Department of Energy, if they find reasonable that the American domestic industry is conspiring or has unreasonably raised prices, they can be fined up to $100 million.

I want to know, I say to the gentleman, when your next bill comes up, if the Traficant amendment would be germane to that bill.

Mr. Chairman, I yield to the gentleman from Texas (Mr. BARTON) for an answer.

Mr. BARTON of Texas. Mr. Chairman, I will be happy to commit to the gentleman from Ohio (Mr. TRAFICANT) that I am planning to do a series of hearings on our energy policy in this country in the next month.

Mr. TRAFICANT. Reclaiming my time, would the Traficant amendment be germane to the bill that the gentleman talked with the gentleman from Michigan (Mr. DINGELL) about?

I yield to the gentleman from Texas.

Mr. BARTON of Texas. It would not be germane to that bill which is a straight reauthorization of this Energy Policy Conservation Act, no. So a straight answer to that particular bill, it would not be germane.

Mr. TRAFICANT. The gentleman would not allow an amendment to be made in order to it?

Mr. BARTON of Texas. It would not be germane to that bill, but it might well be germane to some other bills that we are going to bring to the floor.

Mr. TRAFICANT. Reclaiming my time, here is what I am trying to tell the Congress. We have 300 years of oil trapped in shale rock. If we put Americans to work, we would not be dependent on monarchs and dictators. And we are still playing around now 20 years later, but they are not only the villain, OPEC. Nobody's investigating these domestic oil companies who ripped us off before. I do not feel comfortable with what they are doing now.

And I think, I say to the gentleman from Texas (Mr. BARTON), what bothers me is this may be the only real instrument we have. How can I vote against a report and how can I go against the judgment of the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON)?

I am going to vote for it. And with that, I yield back the time that I had when I had stricken the amendment.

The CHAIRMAN. Are there any further amendments to section 6?

Mr. TRAFICANT. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. Will the gentleman tell us which amendment he would like to offer?

Mr. TRAFICANT. The amendment that was preprinted in the RECORD, Mr. Chairman.

The CHAIRMAN. The gentleman has three amendments printed in the RECORD.

Mr. TRAFICANT. The one that is germane, Mr. Chairman.

The CHAIRMAN. The Chair will rule on the germaneness after the gentleman from Ohio tells us which amendment he would like to offer.

Mr. TRAFICANT. I do not have all the numbers. I have to see the amendments, Mr. Chairman.

Mr. BARTON of Texas. Why do we not start with the Traficant number 21.

AMENDMENT NO. 21 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 21.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. TRAFICANT:

Page 8, after line 2, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 3, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order on the Traficant amendment No. 21.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

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

The CHAIRMAN. Without objection, the gentleman from Ohio withdraws his amendment No. 21.

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 22.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. TRAFICANT:

Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order on the Traficant amendment No. 22.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Is the gentleman from Ohio (Mr. TRAFICANT) withdrawing his amendment?

Mr. TRAFICANT. Mr. Chairman, I was hoping that the gentleman from Texas (Mr. BARTON) would have to use the restroom. Since he is not, I concede the point of order on amendment No. 22.

The Chairman. Does the gentleman from Ohio withdraw his amendment?

Mr. TRAFICANT. I withdraw the amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from Ohio withdraws his amendment No. 22.

There was no objection.

AMENDMENT NO. 23 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 23.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. TRAFICANT:

Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, with reluctance, I also reserve a point of order on Traficant amendment No. 23.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. TRAFICANT. Mr. Chairman, the gentleman from Texas (Mr. BARTON) not only does a great job, as the gentleman from Michigan (Mr. DINGELL) said, he certainly has a strong physical constitution and strong bladder, and it is evident that he is going to be there standing.

I have worked with the gentleman from Texas (Mr. BARTON) for years. I believe he is an original helper of JIM TRAFICANT when we tried to take that oil from shale rock. I am going to be introducing a bill to go after that oil in shale rock. I am going to ask the gentleman from Texas to help.

Second of all, I am going to ask the gentleman from Texas to help me in the goal that I pursue, that if there is an unreasonable gouging and conspiracy with these domestic oil companies, we can impose a fine of $100 million. A million dollars, $5 million is nothing to these companies. With that, Mr. Chairman, I want to thank the distinguished gentleman from Texas (Mr. BARTON) who has been a friend.

Mr. Chairman, I withdraw my third amendment, No. 23.

The CHAIRMAN. Without objection, the gentleman from Ohio withdraws his amendment No. 23.

There was no objection.

The CHAIRMAN. Are there any other amendments to section 6?

AMENDMENT NO. 12 OFFERED BY MR. GARY MILLER OF CALIFORNIA

Mr. GARY MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GARY MILLER of California:

Page 8, after line 8, insert the following new section:

SEC. 7. OIL PRODUCTION REPORT.

The Secretary of Energy, in conjunction with the Administrator of the Environmental Protection Agency, shall, not later than September 30, 2000, transmit to the Congress a report on all possible means of protecting the national security of the United States by increasing domestic oil production without harming the environment.

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. GARY MILLER of California. Mr. Chairman, I am concerned over the recent rise in prices being paid for gasoline at the pump. Right now, my constituents are facing extremely high gas prices. I have received letters and e-mails from many of the people I represent informing me they have recently paid as high as $1.90 a gallon for the lowest grade of gasoline at the pump. Predictions from the Department of Energy have indicated that unleaded gasoline could get as high as $2.25 a gallon by June, at the same time my constituents will be taking their families on summer vacation.

As we all know, the reason for the recent price spike is the result of OPEC deciding to decrease production to raise the price of oil. OPEC made this decision last March. We have been well aware of the possibility that a price increase would occur from that. But, because the Clinton administration lacks a definitive national energy policy; and according to the Energy Secretary Bill Richardson, the administration was caught napping, Americans were not shielded from this crisis.

I am the first to admit there is no overnight solution to the problem. But I will be the first to say this problem would not have been as costly if President Clinton would have also shown leadership. Instead, the President jeopardized the economy and national security of this country. Now Congress is forced to act on this problem.

My amendment to H.R. 3822 would require the Secretary of Energy to prepare a report for Congress on how we can strengthen the United States national security by increasing domestic oil production. The United States is the number one consumer of oil. Even if we increase domestic production, the United States will still rely on foreign oil. But we must diversify our sources of supply so we do not find ourselves in a compromising position should OPEC decide to decrease production again down the road.

Moreover, by requiring the Secretary of Energy to report to Congress on how to increase domestic oil production, a blueprint can be provided for future administrations to avert this problem. In addition, future Congresses would not be in the position that we are currently in where Congress is forced to react to a crisis that arguably could have been foreseen and averted.

Because the environment is very important and should not be neglected in the decision-making process, my amendment would also require the Secretary of Energy to work with the administrator of the EPA to determine how domestic oil production can be increased without harming the environment.

Since President Clinton has taken office, America's dependency on foreign oil has almost doubled to 55 percent. Furthermore, President Clinton has reduced access to Federal lands in the western United States by nearly 60 percent. This is where nearly 67 percent of our onshore oil reserves are located. If Federal lands had been opened to exploration, we may never have been in this position we find ourselves in today.

President Clinton has also been responsible for increasing regulations on U.S. oil refineries without consideration of the economic impact these regulations may have on their ability to produce oil. In many cases, independent refineries are forced to close up shop because of the burdensome regulation imposed on them. For every refinery that goes out of business, this is a decline in the domestic oil produced.

Although I will withdraw this amendment, I will continue to push the administration to come up with a strategic national energy policy that can thwart another situation like this

again and strengthen U.S. national security. I plan to offer this amendment again at a more appropriate time. I hope that my colleagues will support this amendment when I reintroduce it at a later time.

Mr. CALVERT. I rise today in strong support for the amendment offered by my good friend and colleague on the Energy and Environment Subcommittee of the Science Committee, Mr. GARY MILLER.

The price of gasoline in my home state of California is already over $2 per gallon. Instead of investing in this great nation's plentiful domestic energy resources, this Administration has been ''asleep at the fuel pump.'' We are now more dependent on imported oil than at the height of the Oil Embargo Crisis of 1973.

As Chairman of the Subcommittee on Energy and Environment, we have just completed two authorization hearings on this Administration's Budget Request for the Department of Energy. This Administration's requests for Petroleum, Natural Gas Technologies, Other Fossil Energy R&D and Nuclear Energy are, in general, below last year's funding levels. R&D and production of these major and fundamental domestic energy resources should not be short-changed.

The Secretary of Energy finally went on his diplomatic mission to beg for increased production from OPEC and some of the more notorious OPEC members have only thumbed their noses at his request. Last week on the House floor, I talked about the Administration's ''F'' for failure on oil diplomacy and domestic oil production. We still don't know whether OPEC will agree to step up production to reduce prices—we are at OPEC's mercy once again.

On the domestic production side, the Administration has discouraged—in every way—the opportunity to take advantage of this country's domestic oil resources and I would like to add coal and nuclear energy to the list. It is time for us to seriously develop our great country's domestic oil reserves—we know we have the oil—it's time to produce it—of course, in an environmentally sound way—so that the American people will no longer be dependent on OPEC's whims.

I urge my colleagues to support this amendment.

Mr. GARY MILLER of California. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the gentleman from California withdraws his amendment.

There was no objection.

Are there any other amendments to section 6?

AMENDMENT NO. 4 OFFERED BY MR. BACHUS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BACHUS:

Page 8, after line 2 insert the following:

SEC. 7. DENIAL OF FINANCIAL ASSISTANCE FROM INTERNATIONAL FINANCIAL INSTITUTIONS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o-2) is amended by adding at the end the following:

''SEC. 1504. DENIAL OF FINANCIAL ASSISTANCE FOR MAJOR OIL EXPORTING COUNTRIES ENGAGED IN PRICE FIXING.

''The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2)) to use the voice, vote, and influence of the United States at the institution to urge the institution to adopt as a matter of policy and practice not to provide financial assistance of any kind to a country determined by the President pursuant to section 5 of the Oil Price Reduction Act of 2000 to be engaged in oil price fixing to the detriment of the United States economy.''.

Redesignate succeeding sections accordingly.

Mr. GILMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. BACHUS. Mr. Chairman, first of all, let me say that I am a cosponsor of the main legislation, and I fully endorse the legislation and the purpose of the legislation.

Now, one thing that this legislation does is it looks at the OPEC nations and we look at the assistance that we are giving to the OPEC nations.

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In this regard we have heard testimony that the United States gives $415 million worth of assistance to the OPEC nations. We have heard testimony that we have 10,000 troops in these OPEC nations. What my amendment says is not only do we consider these assistance programs and this foreign aid, but we also look at something else that we cannot overlook, and that is the fact that through the World Bank, through the IMF, through the Asian Development Bank, through the African Development Bank, through the multilateral development banks we are also, as a contributor to these banks, pumping billions of dollars into these countries.

It may come as some surprise to Members of this body, but through the multilateral development banks we have given $4.4 billion worth of loans to Algeria alone, $30 billion to Indonesia, and $3.7 billion to Venezuela. What my amendment says, when we look at OPEC and the price gouging that they are doing, the fact that they are yanking our chain, we need to not only look at direct aid, but we need to look at aid that the multilateral development banks are giving to these countries.

And let me say this. We are dealing literally with billions of dollars worth of aid. And if we are going to have a comprehensive approach to using all leverage under our control, then we must also consider this multilateral aid. If we do not, we have an incomplete remedy here.

Punishing or withholding assistance from the OPEC nations is a short-term solution. The long-term solution to our problem is increasing our domestic oil production. These are some figures that I think will astound the American people. In 1973, when we had the Arab oil embargo, we were importing only 35 percent of our oil needs. In 1991, at the time of the Gulf War, we were importing 46 percent. Only 9 years later, we are now dependent on foreign sources for 56 percent of our needs.

When we depend on these sources for 56 percent of our oil needs, we are going to be dependent. We are going to be at their mercy. So the long-term solution is to urge the President to open our domestic oil fields to exploration, make us less dependent on foreign oil, and get us out of this dependency on foreign oil. But until such time, we simply must take all action we can.

Mr. Chairman, I ask unanimous consent to withdraw my amendment. I will introduce it at a more appropriate time.

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

There was no objection.

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

I simply wanted to seek recognition so that I could thank and to commend the gentleman from Alabama for his amendment. I just wish we had jurisdiction of the financial institutions or I would have been pleased to support the gentleman's request.

The CHAIRMAN. Are there further amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. DEFINITIONS.

In this Act.

(1) OIL PRICE FIXING.—The term ''oil price fixing'' means participation in any agreement, arrangement, or understanding with other countries that are oil exporters to increase the price of oil or natural gas by means of, inter alia, limiting oil or gas production or establishing minimum prices for oil or gas.

(2) OPEC.—The term ''OPEC'' means the Organization of Petroleum Exporting Countries.

The CHAIRMAN. Are there any amendments to section 7?

AMENDMENT NO. 20 OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Chairman, I offer amendment No. 20.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mrs. THURMAN:

Add at the end thereof the following new title:

TITLE II—ENERGY EFFICIENT TECHNOLOGY TAX INCENTIVES

SEC. 201. SHORT TITLE.

This Act may be cited as the ''Energy Efficient Technology Tax Act''.

SEC. 202. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48 the following new section:

"SEC. 48A. ENERGY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

''(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

''(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

''(b) ENERGY PERCENTAGE.—

''(1) IN GENERAL.—The energy percentage shall be determined in accordance with the following table:

''Column A—Description	Column B—Energy Percentage	Column C—Period	
In the case of:	The energy percentage is:	For the period:	
		Beginning on:	Ending on:
Solar energy property (other than elected solar hot water property and photovoltaic property) and geothermal energy property	10 percent	1/1/2000	no end date
Elected solar hot water property	15 percent	1/1/2000	12/31/2004
Photovoltaic property	15 percent	1/1/2000	12/31/2006
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Combined heat and power system property	8 percent	1/1/2000	12/31/2002.

''(2) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any energy property, the energy percentage shall be zero for any period for which an energy percentage is not specified for such property under paragraph (1).

''(3) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

''(4) TRANSITIONAL RULES.—Rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

''(c) MAXIMUM CREDIT FOR CERTAIN PROPERTY.—In the case of property described in the following table, the amount of the current year business credit under subsection (a) for the taxable year for each item of such property with respect to a building shall not exceed the amount specified for such property in such table:

Description of property:	**Maximum allowable credit amount is:**
Elected solar hot water property	$1,000.
Photovoltaic property with respect to which the energy percentage is greater than 10 percent	$2,000.
20 percent energy-efficient building property:	
fuel cell described in subsection (e)(3)(A)	$500 per each kw/hr of capacity.
natural gas heat pump described in subsection (e)(3)(D)	$1,000.
20 percent energy-efficient building property (other than a fuel cell and a natural gas heat pump)	$500.
10 percent energy-efficient building property	$250.

''(d) ENERGY PROPERTY DEFINED.—

''(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

''(A) which is—

''(i) solar energy property,

''(ii) geothermal energy property,

''(iii) 20 percent energy-efficient building property,

''(iv) 10 percent energy-efficient building property, or

''(v) combined heat and power system property,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which meets the performance and quality standards (if any), and the certification requirements (if any), which—

''(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate), and

''(ii) are in effect at the time of the acquisition of the property.

''(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990). The preceding sentence shall not apply to combined heat and power system property.

''(e) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

''(1) SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy—

''(i) to generate electricity,

''(ii) to heat or cool (or provide hot water for use in) a structure, or

''(iii) to provide solar process heat.

''(B) ELECTED SOLAR WATER HEATING PROPERTY.—

''(i) IN GENERAL.—The term 'elected solar water heating property' means property which is solar energy property by reason of subparagraph (A)(ii) and for which an election under this subparagraph is in effect.

''(ii) ELECTION.—For purposes of clause (i) and the energy percentage specified in the table in subsection (b)(1), a taxpayer may elect to treat property described in clause (i) as elected solar water heating property.

''(C) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means solar energy property which uses a solar photovoltaic process to generate electricity.

''(D) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

''(E) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

''(2) GEOTHERMAL ENERGY PROPERTY.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

''(3) 20 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '20 percent energy-efficient building property' means—

''(A) a fuel cell that—

''(i) generates electricity and heat using an electrochemical process,

''(ii) has an electricity-only generation efficiency greater than 35 percent, and

''(iii) has a minimum generating capacity of 5 kilowatts,

''(B) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater,

''(C) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 15 or greater,

''(D) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.70 for cooling,

''(E) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 15 or greater, and

''(F) an advanced natural gas water heater that has an energy factor of at least 0.80.

''(4) 10 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '10 percent energy-efficient building property' means—

''(A) an electric heat pump that has a heating system performance factor (HSPF) of 7.5 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

''(B) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater, and

''(C) an advanced natural gas water heater that has an energy factor of at least 0.65.

''(5) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

''(iii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy, and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof), and

''(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities).

''(B) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

''(II) the denominator of which is the lower heating value of the primary fuel source for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(iv) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

''(v) DEPRECIATION.—No credit shall be allowed for any combined heat and power system property unless the taxpayer elects to treat such property for purposes of section 168 as having a class life of not less than 22 years.

''(f) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

''(1) CREDIT AMOUNT.—

''(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

''Applicable percentage		Credit amount is:
Greater than or equal to—	Less than—	
5 percent	10 percent	$ 500
10 percent	20 percent	$1,000
20 percent	30 percent	$1,500
30 percent		$2,000

''(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

''Applicable percentage		Credit amount increase is:
Greater than or equal to—	Less than—	
20 percent	40 percent	$ 250
40 percent	60 percent	$ 500
60 percent		$1,000

''(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

''(A) A consumable fuel.

''(B) A rechargeable energy storage system.

''(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

''(4) AUTOMOBILE.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

''(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

''(A) any property for which a credit is allowed under section 25B or 30,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(6) REGULATIONS.—

''(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

''(B) ENVIRONMENTAL PROTECTION AGENCY.—

''(A) TREASURY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

''(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

''(g) SPECIAL RULES.—For purposes of this section—

''(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

''(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

''(i) subsidized energy financing, or

''(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103,

the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

''(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

''(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

''(ii) the denominator of which is the basis of the property.

''(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

''(2) BUSINESS USE.—The rule similar to the rule of section 25(B)(d)(5)(B) shall apply for purposes of determining the business use of a vehicle.

''(3) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(4) DOUBLE BENEFIT.—Property which would, but for this paragraph, be eligible for credit under more than one provision of this section shall be eligible only under one such provision, the provision specified by the taxpayer.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 48 of such Code is amended to read as follows:

''SEC. 48. REFORESTATION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 10 percent of the portion of the amortizable basis of any qualified timber property

which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

''(b) DEFINITIONS.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194.''.

(2) Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

''(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.''.

(3) Paragraph (3) of section 50(c) of such Code is amended by adding at the end the following flush sentence:

''In the case of the energy credit, the preceding sentence shall apply only to so much of such credit as relates to solar energy property and geothermal property (as such terms are defined in section 48A(e)).''.

(4) Subclause (III) of section 29(b)(3)(A)(i) of such Code is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48A(g)(1)(C)''.

(5) Subparagraph (E) of section 50(a)(2) of such Code is amended by striking ''section 48(a)(5)'' and inserting ''section 48A(g)(3)''.

(6) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) in clause (vi)(I)—

(i) by striking ''section 48(a)(3)'' and inserting ''paragraphs (1) and (2) of section 48A(e)'', and

(ii) by striking ''clause (i)'' and inserting ''paragraph (1)(A)'', and

(B) in the last sentence by striking ''section 48(a)(3)'' and inserting ''section 48A(d)(2)''.

(7) Subparagraph (E) of section 168(e)(3) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by inserting after clause (iii) the following new clause:

''(iv) any combined heat and power system property (as defined in section 48A(e)(5)) for which a credit is allowed under section 48A and which, but for this clause, would have a recovery period of less than 15 years.''.

(8) The table contained in subparagraph (B) of section 168(g)(3) of such Code is amended by adding at the end the following:

''(E)(iv) ..... 22''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new items:

''Sec. 48. Reforestation credit.

''Sec. 48A. Energy credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (f) of section 30 of such Code (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

(b) REPEAL OF PHASEOUT.—Subsection (b) of section 30 of such Code (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) NO DOUBLE BENEFIT.—

(1) Subsection (d) of section 30 of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

''(5) No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(f).''.

(2) Paragraph (3) of section 30(d) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(3) Paragraph (5) of section 179A(e) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 204. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) EXTENSION.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by striking ''July 1, 1999'' and inserting ''July 1, 2004''.

(b) QUALIFIED FACILITIES INCLUDE ALL BIOMASS FACILITIES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) of such Code (relating to definition of qualified energy resources) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B), and by inserting after subparagraph (B) the following:

''(C) biomass (other than closed-loop biomass).''.

(2) BIOMASS DEFINED.—Paragraph (2) of section 45(c) of such Code is amended to read as follows:

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) closed-loop biomass, and

''(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

''(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

''(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

''(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.''.

(c) ELECTRICITY PRODUCED FROM BIOMASS CO-FIRED IN COAL PLANTS.—

(1) CREDIT AMOUNT.—Paragraph (1) of section 45(a) of such Code (relating to general rule) is amended by inserting ''(1.0 cents in the case of electricity produced from biomass co-fired in a facility which produces electricity from coal) after ''1.5 cents''.

(2) QUALIFIED FACILITY.—Paragraph (3) of section 45(c) of such Code (relating to definitions) is amended by striking the period at the end and inserting the following: '', and any facility using biomass other than closed loop biomass to produce electricity which is owned by the taxpayer and which is originally placed in service after June 30, 1999.''.

(3) ADJUSTMENT FOR INFLATION.—

(A) IN GENERAL.—Paragraph (2) of section 45(b) of such Code (relating to credit and phaseout adjustment based on inflation) is amended by striking ''1.5 cent amount'' and inserting ''1.5 and 1.0 cent amounts''.

(B) BASE YEAR FOR INFLATION ADJUSTMENT FACTOR.—Subparagraph (B) of section 45(d)(2) of such Code (relating to inflation adjustment factor) is amended by adding at the end the following new sentence: ''In the case of the 1.0 cents amount in subsection (a), the first sentence of this subparagraph shall be applied by substituting '1999' for '1992'.''.

(d) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Subsection (b) of section 45 of such Code (relating to limitations and adjustments) is amended by adding at the end the following new paragraph:

''(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

''(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

''(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

''(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

''(B) EXCEPTION.—Subparagraph (A) shall not apply if—

''(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii),

''(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

''(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

''(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

''(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

''(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

''(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in section 292.304(d)(1) of title 18, Code of Federal Regulations, or any successor regulation.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years ending after June 30, 1999.

(2) ADJUSTMENT FOR INFLATION.—The amendments made by subsection (c)(3) shall apply to taxable years ending after December 31, 1999.

SEC. 205. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. NONBUSINESS ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

''(B) the credit amount (determined under section 48A(f)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(f)(2)), and

''(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

''New, Highly Energy-Efficient Principal Residence:	Credit Amount:
30 percent property	$1,000.
40 percent property	$1,500.
50 percent property	$2,000.

''(2) APPLICABLE PERCENTAGE.—

''(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

''Column A—Description	Column B— Applicable Percentage	Column C—Period	
		For the period:	
In the case of:	The applicable percentage is:	Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Solar water heating property	15 percent	1/1/2000	12/31/2006
Photovoltaic property	15 percent	1/1/2000	12/31/2006.

''(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

"Description of property item:	**Maximum allowable credit amount is:**
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property:	
fuel cell described in section 48A (e)(3)(A)	$ 500 per each kw/hr of capacity.
natural gas heat pump described in section 48A (e)(3)(D)	$1,000.
10 percent energy-efficient building property	$ 250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

''(2) COORDINATION OF LIMITATIONS.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

''(A) is located in the United States, and

''(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy property' means—

''(i) energy-efficient building property,

''(ii) solar water heating property, and

''(iii) photovoltaic property.

''(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (D) and (E) section 48A(e)(1) shall apply.

''(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by paragraphs (3) and (4) of section 48A(e).

''(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

''(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' has the meaning given to such term by section 48A(e)(1)(C).

''(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

''(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

''(i) such property is located in the United States,

''(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

''(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

''(B) 50, 40, OR 30 PERCENT PROPERTY.—

''(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

''(ii) PROCEDURES.—

''(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

''(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

''(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

''(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

''(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

''(D) COMPLIANCE.—

''(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

''(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

''(D) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning

as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as his principal residence.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) JOINT OWNERSHIP OF ENERGY ITEMS.—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(5) ALLOCATION IN CERTAIN CASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

''(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

''(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

''(A) any property for which a credit is allowed under section 30 or 48A,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

''(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(g)(1)).

''(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

''(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

''(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Nonbusiness energy property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 1999.

Page 2, after line 5, insert ''**TITLE I—OIL PRICE REDUCTION''.**

Page 2, line 6, strike ''2'' and insert ''101''.

Page 5, line 4, strike ''3'' and insert ''102''.

Page 5, line 16, strike ''4'' and insert ''103''.

Page 6, line 10, strike ''section 5'' and insert ''section 104''.

Page 6, line 12, strike ''5'' and insert ''104''.

Page 6, line 15, strike ''section 4'' and insert ''section 103''.

Page 6, line 17, strike ''section 4(1)'' and insert ''section 103(1)''.

Page 6, line 21, strike ''6'' and insert ''105''.

Page 6, line 24, strike ''section 4'' and insert ''section 103''.

Page 7, line 3, strike ''section 5'' and insert ''section 104''.

Page 8, line 2, strike ''section 4'' and insert ''section 103''.

Page 8, line 7, strike ''section 5'' and insert ''section 104''.

Page 8, line 9, strike ''7'' and insert ''106''.

Page 8, line 10, strike ''Act'' and insert ''title''.

Mr. GILMAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order. The gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes on her amendment.

Mrs. THURMAN. Mr. Chairman, I kind of knew this was going to happen, but I still think this is a very important part of the debate that is going on today. It seems that we are talking about a lot of issues that are not coming before this House that, quite frankly, probably could give us an energy policy that we would all be proud to be going home with.

We all know that we are talking about issues that are affecting our constituency every day. It is just obnoxious and absurd that we are seeing folks having to pay $2, and many of these folks just cannot do it. Many of them live in rural areas, they cannot get to work, and they cannot afford that $2. It is costing them everything they have. Our seniors are trying to get around and they cannot afford it either.

However, I think even within that, since we are going to talk about energy today, that we would be remiss if we did not bring into this debate energy efficiency and renewable energy assistance. For several years now, we have had a bipartisan caucus, an Energy Renewable Caucus here in this Congress, that has continued to look at ways to increase our funding for research. But on top of that, we also have a piece of legislation, H.R. 2380, which is the Energy Efficient Technology Tax Act.

I have to tell my colleagues that I think as we go through this and we look at the fact of being able to develop low carbon energy sources, that if we as the Congress could actually give incentives for this, it would be a marvelous thing for us to do.

Imagine in this world today if we could say to people, both private-owned and business-owned buildings, that we would actually give them tax credits for having energy efficient equipment in their new and existing buildings. Would it not be wonderful if we could give tax credits for new energy efficient homes, up to as much as $2,000 if they do this? Imagine if we could tell people that we would give them a tax credit for solar systems.

And just to add into this particular part of the debate, do my colleagues

know that the United States used to be the number one issuant of solar energy and we have dropped to number seven in this world economy? That is absolutely absurd.

Then we could do for industry. We could encourage the CHP systems, make effective use of thermal energy that is otherwise wasted in producing electricity. We could encourage accelerated investment in this kind of equipment. In transportation, we could give tax credits for highly fuel efficient vehicles; extend the current tax credit for electric vehicles; expand the credit to include hybrid vehicles, and go on with the idea of what we could do with renewable energy.

Last year, this Congress passed in the tax bill a credit for wind production. We now need to do the same with biomass.

The fact of the matter is that any energy policy that we put together we need to include these very important steps in making sure that we make energy efficient technology more attractive.

Mr. Chairman, I ask unanimous consent to withdraw my amendment, and I concede the point of order.

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

There was no objection.

The CHAIRMAN. Are there further amendments to section 7?

AMENDMENT NO. 5 OFFERED BY MR. BALDACCI

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BALDACCI:

At the end of the bill insert the following new sections:

SEC. 8. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

''(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component, and any energy efficient heating, cooling, or water heating appliance, the installation of which, by itself or in combination with other such components or appliances, is certified to improve the annual energy performance of the existing home by at least 30 percent, if—

''(1) such component or appliance is installed in or on a dwelling—

''(A) located in the United States, and

''(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

''(2) the original use of such component or appliance commences with the taxpayer, and

''(3) such component or appliance reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such improvements, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited home energy rating system provider).

''(e) SPECIAL RULES.—

''(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

''(2) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) APPLICATION OF SECTION.—Subsection (a) shall apply to qualified energy efficiency improvements installed during the period beginning on January 1, 2000, and ending on December 31, 2004.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 23 of such Code is amended by striking ''and section 1400C'' and inserting ''and sections 25B and 1400C''.

(2) Subparagraph (C) of section 25(e)(1) of such Code is amended by striking ''and 1400C'' and inserting '', 25B, and 1400C''.

(3) Subsection (d) of section 1400C of such Code is amended by inserting ''and section 25B'' after ''other than this section''.

(4) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(f), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Energy efficiency improvements to existing homes.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1999.

SEC. 9. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 45C the following new section:

"SEC. 45D. ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible small business, the energy efficiency improvement credit determined under this section for the taxable year is an amount equal to 20 percent of the basis of each qualified energy efficiency improvements placed in service during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by this section for the taxable year shall not exceed $2,000.

''(2) COORDINATION WITH REHABILITATION AND ENERGY CREDITS.—For purposes of this section—

''(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

''(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means any person engaged in a trade or business if the average annual gross receipts of such person (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

''(2) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The term 'qualified energy efficiency improvements' means any energy efficient property the installation of which, by itself or in combination with other such property, is certified to improve the annual energy performance of the structure to which it relates by at least 30 percent, if—

''(A) such property is installed in or on a structure located in the United States,

''(B)(i) the construction, reconstruction, or erection of such property is completed by the taxpayer, or

''(ii) such property which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to such property, and

''(D) such property reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such property, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited energy rating system provider).

''(3) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means—

''(A) any energy efficient building envelope component, and

''(b) any energy efficient heating, cooling, or water heating appliance.

''(d) APPLICATION OF SECTION.—Subsection (a) shall apply to property placed in service during the period beginning on January 1, 2000, and ending on December 31, 2004.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end thereof the following new paragraph:

''(13) in the case of an eligible small business (as defined in section 45D(c)), the energy efficiency improvement credit determined under section 45D.''.

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR SMALL BUSINESS ENERGY EFFICIENCY IMPROVEMENT CREDIT.—

''(A) IN GENERAL.—In the case of the energy efficiency improvement credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraph (A) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy efficiency improvement credit).

''(B) ENERGY EFFICIENCY IMPROVEMENT CREDIT.—For purposes of this subsection, the term 'energy efficiency improvement credit' means the credit allowable under subsection (a) by reason of section 45D.''.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting ''or the energy efficiency improvement credit'' after ''employment credit''.

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

''(9) NO CARRYBACK OF ENERGY EFFICIENCY IMPROVEMENT CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45D may be carried back to any taxable year ending before the date of the enactment of section 45D.''.

(e) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Subsection (c) of section 196 of such Code is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting '', and'', and by adding after paragraph (8) the following new paragraph:

''(9) the energy efficiency improvement credit determined under section 45D.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

''Sec. 45D. Energy efficiency improvements by small businesses.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Mr. GILMAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Maine (Mr. BALDACCI) is recognized for 5 minutes.

Mr. BALDACCI. Mr. Chairman, I appreciate the opportunity to be able to address the House in regard to this very important matter.

This is a matter that we in the Northeast were hit with first when there was a heating oil shortage and the price got spiked and we had to divert the gasoline production to home heating oil so that we would have enough fuel oil to make sure that people were able to heat their homes.

About 75 percent of our Nation's home heating oil is consumed in the Northeast. That is why it was important for Secretary Richardson to have an energy summit in Boston and in Maine, to be able to listen to people directly, the truckers, the loggers, the small business people that were impacted negatively by what was taking place both with the high cost of home heating oil and the high cost of diesel fuel oil.

A lot of our agricultural products were not able to get to market. They could not afford to get them to market because of the distance in traveling and the prices people would have to bear. The President, in his radio announcement last Saturday, came forward with a proposal for a Northeast heating oil reserve, which is going to act as a buffer. It is going to be like a beachhead against this happening again so that we will not end up diverting those stocks and dwindling what limited resources we have.

The President also proposed to have tax credits for some of the small stripper wells, well producers in the Southeast that had their wells capped when prices were too low trying to increase production. It would have been a very effective course of quiet diplomacy, as quiet as can be done within the circumstances of an election year, to try to increase the production level that is taking place in this country.

Mr. Chairman, it is unfortunate we were not able to address this issue. The amendment that I offered was going to be able to deal with energy conservation, energy weatherization, issues which the leadership has cut back and gutted over the years and not given the priority that it should be given.

We know firsthand that by being able to make sure that the older homes in the Northeast have the insulation and weatherization and the fuel efficiency of those oil burners that we are going to be able to save oil. It is a shame that we have gone from 35 percent consumption of foreign oil to over 50 percent consumption of foreign oil. We need to make sure that we are producing less foreign dependency and more independence, which is why my amendment dealt with conservation, weatherization, and tax credits to make sure that small businesses and individual homeowners were able to take the measures themselves to reduce their demands for fuel and increasing our independence.

Mr. Chairman, we had an opportunity to make sure that we were not going to be dependent on any foreign nation; that we were going to take steps to make sure that we told our people that we were in control of our destiny and we were able to develop a comprehensive energy policy which would be able to take care of the short term, with the heating oil reserve, with increased production, and then by having tax relief for small businesses, loggers, farmers, fishermen, people who have been impacted by these higher prices. Those are the people that we are here to speak to.

I am sure that the chairman and other Members of the Congress are concerned about these issues. It is really unfortunate that we were unable to bring these issues up at this time. I know that the chairman is very concerned about it. Being in the Northeast, he has been there and understands the pressures that people go through. It is really unfortunate that we were not able to do that.

The President has to have the authority in the reauthorization. We have got to work together, because the people depend upon us to do this and it is time that we work together and show the American public that we can do what is in the best interest of the country first. Politics should be second.

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

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

Mr. GILMAN. I want to commend the gentleman for his worthy proposal, Mr. Chairman. I have not had a chance to examine it, but it sounds like it is worthy and I hope I can work together with the gentleman at a later date. Regrettably, we do not have jurisdiction over this matter.

Mr. BALDACCI. Reclaiming my time, Mr. Chairman, I thank the gentleman and look forward to working with him.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

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

Mr. Chairman, in 1979, when oil prices hit $41 a barrel, then President Jimmy Carter called it the moral equivalent of war. At that time, we were only 32 percent dependent on foreign oil. Today, we are almost 60 percent dependent and we are rapidly losing that war.

Our domestic oil industry has been decimated by periodic and well-orchestrated dumping of cheap oil in an effort

by OPEC and others to drive producers at home out of business and replace our oil with their own.

□ 1830

In essence, they have been winning the moral equivalent of war while we stood by seduced by cheap fuel and did nothing. America is at risk, and both sides of the aisle are to blame.

We are no closer today to a sound national energy policy than we were 20 years ago. If we are to ever control our energy destiny again, we must have the courage to adopt a national energy policy that fosters U.S. domestic production, yes, encourages conservation measures, and promotes the development of domestic energy.

Today we are focused on the high price of gasoline. Why were we not concerned when our domestic production was set in a rapid decline by manipulation of these same entities when they dumped oil on our market in 1998, resulting in the loss of over 600,000 barrels of oil per day and nearly 75,000 jobs were lost in the domestic oil patches?

Yes, oil prices are fixed by the OPEC cartel. They run prices down in order to maintain and strengthen their market share by producing more oil. Having achieved their market objectives, then they run oil prices up by withholding production from the market. Neither practice is beneficial to the American consumer. In fact, such OPEC policies are a disaster to the consumer and the producer. With each price/production manipulation cycle, they increase their stranglehold on America itself.

I had hoped to offer two amendments today. However, the Committee on Rules has required all amendments to be preprinted in the CONGRESSIONAL RECORD. I will not be able to offer those amendments at this time.

I wanted to move to set up a bipartisan commission to develop a lucid and definite national energy policy. Currently, our energy policy is a mess. This amendment would require the President to establish a bipartisan commission, similar to the Medicare Commission, to develop a national energy policy based on consideration of the issues I just mentioned.

My second amendment would have required the administration to begin an anti-dumping investigation into whether the oil exporting companies conspired to decrease oil prices by increasing production which forces domestic producers out of business and to close wells. This allows exporting countries to turn around and decrease production, leaving the United States with less domestic producers and then they can demand higher prices. The investigation would commence after the price of oil fell below a certain threshold for 30 consecutive days.

At this time, I would like to ask the chairman to allow me to engage him in a colloquy.

Mr. Chairman, the bill provides for a provision that requires the President to provide a description ''of the effect that coordination among the countries described. . . with respect to oil production and pricing has had on the United States economy.''

I ask the chairman if he agrees that the report provided should include, and would be meant to include, a description of how predatory pricing in the oil markets has also disadvantaged American producers.

Because so many American producers have relatively high costs of production compared to the Saudis, they are especially vulnerable to low prices and the sharp swings in oil prices.

So I ask the gentleman from New York (Mr. GILMAN) if I am correct that the report should include reference to this side of the equation, also.

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

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

Mr. GILMAN. Mr. Chairman, the long-term intention of the OPEC nations is to raise prices. But in the short-term, they certainly have been manipulating oil prices for predatory purposes.

The gentleman from Oklahoma (Mr. WATKINS) is certainly correct to point out the need for a careful review of our Nation's energy policy, and he is correct to call attention to the particular problem of low and volatile prices for our domestic oil producers.

The gentleman called for the establishment of a bipartisan commission to develop a national energy policy similar to the Medicare Commission. Clearly, the interests of domestic producers need to be safeguarded just as much as the interests of all consumers need attention.

I would be inclined to support such a commission, although it would not be primarily within the jurisdiction of our House Committee on International Relations. And it is a jurisdictional issue that has prevented us from addressing the issue at this time.

The definition of ''oil price-fixing'' does not explicitly refer to the predatory low pricing of oil, but I think that a fair reading of the general intent of the bill would lead one to conclude that any predatory practices were improper and ought to be condemned, just as they are condemned in our antitrust laws. In other words, if OPEC or any other oil exporters manipulate prices to drive domestic producers out of business, that needs to be of critical concern as a matter of our national energy policy.

I would say to the gentleman from Oklahoma (Mr. WATKINS) that I would endeavor to clarify these matters relating to the report and the definition of ''oil price-fixing'' in conference. I want to thank the gentleman from Oklahoma (Mr. WATKINS) for sharing his important views on this measure.

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

Mr. Chairman, I have listened to this long debate this afternoon; and I have listened to Members complain that our Republican party does not have an energy policy, that our country does not have an energy policy.

We do have an energy policy in America. It is an energy policy defined over many years but certainly endorsed by the Clinton-Gore administration. It is an energy policy that depends upon foreign imports. It is a policy that says we will not necessarily produce enough energy for our own people. We do not need to. We can just depend upon foreign imports. That is our policy.

We resist the production of our own resources where they are available with all sorts of moratoria against drilling. We refuse to look realistically at the potential of ANWR, will not open it up to drilling and production, even with all the proper environmental controls in place. We have a policy in this country, and the Clinton-Gore administration endorses it; and that is to depend upon foreign imports.

Our Vice President has even written in his book that the gasoline engine was a scourge of mankind and that his policy would be for higher and higher taxes on gasoline to discourage us from even using it. So we have a policy in place. It is import what we need, and we ought to stop using it to begin with. That is our policy. It is pretty sad.

Now, I rose on the floor of this House to support our troops in the Persian Gulf to go and defend those oil fields in Saudi Arabia. I would like to remind my colleagues about what I said that day. Because the highest percentage per capita of the troops who went to the Persian Gulf came from Louisiana. We had a higher per capita of soldiers, men and women, in that battle in the Persian Gulf defending those oil fields than any other State in America. Do my colleagues know how sad that was?

And the reason that was true was we had such an unemployment in the oil fields of Louisiana that more of our men and women had signed up for the Reserves for extra income and signed up with the National Guard for extra income only to find themselves out of work in the Louisiana oil fields while they could be in battle defending somebody else's oil fields.

I made a speech that night and said, I hope I am never called upon again to send another Louisiana man or woman into battle to defend somebody else's oil field when we do not have a national energy policy promoting production at home. But we still do not. We have an administration that still believes it is okay to import all we need and we are at the whim of whoever wants to charge us whatever they want for it. That is the policy we have in America.

I had an explosion at a Shell plant not too long ago in my district. A cat cracker exploded and caused a couple of tragedies, a terrible experience. When that cat cracker exploded and that Shell plant was demolished, that whole community came together, and

we recognized how critical it was to rebuild that plant. I wonder if that plant could have been rebuilt anywhere in America. But we rebuilt it in Louisiana.

We have oil and chemical plants up and down the river in my district producing energy, producing products out of petroleum products for Americans, producing fuel oil, yes, and gasoline and diesel for this country. We accept the risk in Louisiana.

I wonder how many new refineries we could build in this country in the other States of our great Nation. I wonder how many people would permit the building of another refinery. We have done them in Louisiana, and we rebuild them when something happens like what happened at the Shell plant. But we have got a national energy policy that relies upon imported refined products now because we do not have a policy to encourage the refining and production of refined products in America.

Not only is our policy to import crude, our policy is to import the refined products, too. If my colleagues think we have a problem today with prices, just wait and see if ever there is another oil embargo like there was in 1976, just wait and see when the countries that control refined products decide to stop selling to us and the gasoline lines form again and the homes do not have heating oil and we go through a winter where the people suffer through it the way they did in 1973 and 1974. Remember those days.

We do not have an energy policy in America because we are too timid to produce our own resources, and we are too timid to refine our own resources, and we are dependent on other people to do it for us; and then we complain because we do not like the price.

Let us get a good energy policy in America. Let us not depend upon OPEC and foreign countries. Let us start thinking realistically about producing in America, for America, and refining in America the products we need in America instead of depending upon other people. Then maybe we would not need resolutions like this and we would not be crying over the high prices of gasoline.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to echo what the gentleman from Louisiana (Mr. TAUZIN) just said. But, as chairman of the Subcommittee on Energy and Power, I want to make several points before we go to final passage.

We have several bipartisan groups in this Congress willing to deal with energy policy. One is called the Subcommittee on Energy and Commerce, which I serve on. One is called the Committee on Ways and Means, which many other Members serve on. One is called the Committee on Resources. One is called the Committee on International Relations. There may be other committees.

What we need to do is begin to address some of these fundamental problems on a long-term basis, not bring a piece of legislation to the floor that, while well-intended, does nothing but exacerbate the problem and nothing to solve the problem. Let me elaborate on that.

We currently consume in the United States about 17 million barrels of crude oil and refined products. We currently produce about 8½ million. So we are importing around 9 million barrels per day. That is a number that none of us are happy with.

What have we done to maximize domestic oil and gas production in the last 7 years? Absolutely nothing. In fact, we have gone just the other way. We have taken more of the OSC leasing program and put it in moratorium. We have taken the on-shore programs on Federal lands and put them in moratorium. We have enforced stricter and stricter environmental standards on our refineries so that refinery capacity in the United States is declining. We have done absolutely nothing at all except make it more and more difficult to maximize domestic energy production.

So is the solution to pass a bill that alienates not only our OPEC partners but also the non-OPEC countries, like Mexico, Russia, Norway, and Great Britain?

Let me give my colleagues some production numbers. The United States has 21 billion barrels of proven crude oil reserves. The world has 1 trillion and 33 billion. So we are less than 2 percent.

We are producing, obviously, quite a bit at 8½ million barrels per day, but that is nowhere near what we need. The amount of foreign aid, military aid, economic aid, and food aid that we gave the 11 OPEC nations in the last fiscal year was less than $200 million, $198 million. That is less than one day's imports if we were to look at it on an equivalent based on $30 per barrel oil.

Do my colleagues think that OPEC countries are going to think that giving up $200 million is any great loss to them? That is not a sword. That is not a paddle. That is not even a rubber band. This is a spitball. That is what that is.

Would it not be better to work with OPEC, to work with the non-OPEC producers, to work with our domestic oil and gas and interpretive energy producers in this country to develop a comprehensive energy policy? Would it not be better to do that than to bring this bill to the floor and send the signal to OPEC that we can just rattle our indignation?

No one has suffered any worse than my constituents from rising energy prices.

□ 1845

We have seen gasoline prices at the pump go up 60 to 70 cents per gallon in Texas where I live. We have seen some of our low-income residents have to seek assistance to pay their heating bills this winter. We are not saying we need high, high energy prices like have happened. But on the other hand we are not saying that we should react in a knee jerk fashion when the solution is no solution at all.

Mr. Chairman, I would hope that we would oppose this legislation, work with the committees that have jurisdiction, that could do some tax incentives like the Committee on Ways and Means, that could do some energy policy initiatives like the Committee on Commerce, that could do some of the leasing provisions like the Committee on Resources and bring forward bipartisan legislation in the very near future to address these problems in a fundamental fashion. I would hope that we would do that and oppose this legislation.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, 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. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes, pursuant to House Resolution 445, 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.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute 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.

MOTION TO RECOMMIT OFFERED BY MR. GEJDENSON

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEJDENSON. Yes, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. GEJDENSON of Connecticut moves to recommit the bill (H.R. 3822) to the Committee on International Relations with instructions to consider effective measures that reduce the high oil prices on the international market created by the Organization of Petroleum Exporting Countries (OPEC) and report

the bill back to the House with amendments containing such effective measures.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was rejected.

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.

Mr. GILMAN. 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 382, nays 38, answered ''present'' 1, not voting 13, as follows:

[Roll No. 65]

YEAS—382

Abercrombie	Clayton	Frost
Aderholt	Clement	Gallegly
Allen	Clyburn	Ganske
Andrews	Coble	Gejdenson
Armey	Collins	Gekas
Baca	Cook	Gephardt
Bachus	Costello	Gibbons
Baird	Cox	Gilchrest
Baldacci	Coyne	Gillmor
Baldwin	Cramer	Gilman
Ballenger	Crowley	Gonzalez
Barcia	Cubin	Goode
Barr	Cummings	Goodlatte
Barrett (NE)	Cunningham	Goodling
Barrett (WI)	Danner	Gordon
Bartlett	Davis (FL)	Goss
Bass	Davis (IL)	Graham
Bateman	Davis (VA)	Granger
Becerra	Deal	Green (TX)
Berkley	DeFazio	Green (WI)
Berman	DeGette	Gutierrez
Berry	Delahunt	Gutknecht
Biggert	DeLauro	Hall (OH)
Bilbray	DeLay	Hall (TX)
Bilirakis	DeMint	Hansen
Bishop	Deutsch	Hastings (WA)
Blagojevich	Diaz-Balart	Hayes
Bliley	Dickey	Hayworth
Blunt	Dicks	Herger
Boehlert	Dixon	Hill (MT)
Boehner	Doggett	Hilleary
Bonior	Dooley	Hilliard
Bono	Doolittle	Hinojosa
Borski	Doyle	Hobson
Boswell	Dreier	Hoeffel
Boucher	Duncan	Hoekstra
Boyd	Dunn	Holden
Brady (PA)	Edwards	Holt
Brown (FL)	Ehlers	Hooley
Brown (OH)	Ehrlich	Horn
Bryant	Emerson	Hostettler
Burr	Engel	Hoyer
Burton	English	Hulshof
Buyer	Eshoo	Hunter
Callahan	Etheridge	Hutchinson
Calvert	Evans	Hyde
Camp	Everett	Inslee
Campbell	Ewing	Isakson
Canady	Farr	Istook
Capps	Fattah	Jackson (IL)
Capuano	Filner	Jefferson
Cardin	Fletcher	Jenkins
Carson	Foley	John
Castle	Forbes	Johnson (CT)
Chabot	Ford	Johnson, E.B.
Chambliss	Fossella	Johnson, Sam
Chenoweth-Hage	Fowler	Jones (NC)
Clay	Frelinghuysen	Jones (OH)
Kanjorski	Myrick	Shows
Kaptur	Nadler	Shuster
Kasich	Napolitano	Simpson
Kelly	Neal	Sisisky
Kennedy	Nethercutt	Skeen
Kildee	Ney	Skelton
Kilpatrick	Northup	Slaughter
Kind (WI)	Norwood	Smith (MI)
King (NY)	Nussle	Smith (NJ)
Kingston	Obey	Smith (WA)
Kleczka	Olver	Snyder
Klink	Ortiz	Souder
Knollenberg	Ose	Spence
Kucinich	Owens	Spratt
Kuykendall	Oxley	Stabenow
LaFalce	Packard	Stark
LaHood	Pascrell	Stearns
Lampson	Pastor	Strickland
Lantos	Paul	Stump
Larson	Payne	Stupak
Latham	Pease	Sweeney
LaTourette	Pelosi	Talent
Lazio	Peterson (PA)	Tancredo
Leach	Petri	Tanner
Lee	Phelps	Tauscher
Levin	Pickett	Taylor (MS)
Lewis (CA)	Pitts	Taylor (NC)
Lewis (GA)	Pombo	Terry
Lewis (KY)	Pomeroy	Thomas
Linder	Porter	Thompson (CA)
Lipinski	Portman	Thompson (MS)
LoBiondo	Price (NC)	Thune
Lofgren	Pryce (OH)	Thurman
Lucas (KY)	Quinn	Tiahrt
Lucas (OK)	Radanovich	Tierney
Luther	Ramstad	Toomey
Maloney (CT)	Rangel	Towns
Maloney (NY)	Regula	Traficant
Manzullo	Reyes	Turner
Markey	Reynolds	Udall (CO)
Martinez	Riley	Udall (NM)
Mascara	Rivers	Upton
Matsui	Rodriguez	Velazquez
McCarthy (MO)	Roemer	Vento
McCarthy (NY)	Rogan	Visclosky
McCollum	Rogers	Vitter
McGovern	Rohrabacher	Walden
McHugh	Ros-Lehtinen	Walsh
McInnis	Rothman	Wamp
McIntosh	Roukema	Waters
McIntyre	Roybal-Allard	Watt (NC)
McKeon	Ryan (WI)	Watts (OK)
McNulty	Ryun (KS)	Waxman
Meehan	Salmon	Weiner
Meek (FL)	Sanchez	Weldon (FL)
Meeks (NY)	Sanders	Weldon (PA)
Menendez	Sandlin	Weller
Metcalf	Sawyer	Wexler
Mica	Saxton	Weygand
Millender-McDonald	Scarborough	Whitfield
Miller (FL)	Schaffer	Wicker
Miller, Gary	Scott	Wilson
Minge	Sensenbrenner	Wise
Mink	Serrano	Wolf
Moakley	Shadegg	Woolsey
Mollohan	Shaw	Wu
Moore	Shays	Wynn
Moran (VA)	Sherman	Young (AK)
Morella	Sherwood	Young (FL)
	Shimkus	

NAYS—38

Archer	Dingell	Peterson (MN)
Baker	Hastings (FL)	Pickering
Barton	Hefley	Rahall
Bentsen	Hinchey	Sabo
Blumenauer	Houghton	Sanford
Bonilla	Kolbe	Sessions
Brady (TX)	Largent	Smith (TX)
Cannon	McCrery	Stenholm
Coburn	McKinney	Sununu
Combest	Miller, George	Tauzin
Condit	Moran (KS)	Thornberry
Conyers	Murtha	Watkins
Cooksey	Oberstar	

ANSWERED ''PRESENT''—1

Frank (MA)

NOT VOTING—13

Ackerman	Hill (IN)	Pallone
Bereuter	Jackson-Lee (TX)	Royce
Crane	Lowey	Rush
Franks (NJ)	McDermott	Schakowsky
Greenwood		

□ 1913

Messrs. COOKSEY, PICKERING, COBURN, ARCHER and LARGENT changed their vote from ''yea'' to ''nay.''

Messrs. RANGEL, BOUCHER, ABERCROMBIE and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

''A bill to combat international oil price fixing.''.

A motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3822, the legislation just considered.

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

There was no objection.

□

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 36

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent to remove Congressman KEVIN BRADY's name from my bill, H.R. 36. His name was inadvertently added to the list of cosponsors, and I ask that his name now be removed.

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

There was no objection.

□

COMBINED ANNUAL REPORTS OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEARS 1996–1997 AND 1998

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 Science:

To Congress of the United States:

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1996–1997, and the annual report for fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 22, 2000.*

□ 1915

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SIMPSON) 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 Education and the Workforce:

To the Congress of the United States:

I am pleased to transmit the 1998 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with advancing knowledge and public education in the humanities. Throughout 1998, the agency provided crucial support to hundreds of research and educational projects throughout the United States and its territories. The Endowment also provided grants to innovative educational projects employing the latest computer technologies, as well as to efforts to preserve library and archival resources and make such resources available to schools, scholars, and citizens.

In 1998, the NEH continued to exercise leadership in applying technology to the humanities. The Endowment launched Schools for a New Millennium, a program that provides funding to schools to further humanities education through the creative use of new technologies. In Lawrence, Kansas, one Schools for a New Millennium project is digitizing photographs and historical documents for use in junior high classrooms. The Endowment also extended its Internet strategy by expanding its EDSITEment project in partnership with the Council of Great City Schools and MCI WorldCom, more than doubling the number of high quality humanities sites available to students and teachers.

I am especially pleased by another of the agency's partnerships employing both the Internet and traditional broadcasting. The Endowment is partnering with the White House Millennium Council on the presentation of ''Millennium Evenings at the White House,'' a series of showcase events that explore the ideas and creativity of the American people on the eve of a new millennium. These programs feature prominent scholars and creative thinkers and are accessible to the public by satellite and cable broadcasts, and many States humanities councils are coordinating local downlink sites. With support from SUN Microsystems, these lectures and discussions are cybercast live from the East Room in the White House. Viewers can submit questions via the Internet to the guest speaker or to the First Lady and me.

The NEH is well-known for its support of documentary films based on a collaboration between filmmakers and humanities scholars. In 1998, the Endowment maintained this tradition of excellence with its support of Eleanor Roosevelt, which drew upon outstanding new historical scholarship, archival films, photographs, and firsthand testimonies to paint a vivid portrait of one of America's most outstanding women.

The Endowment's grants also addressed the long-term needs of the Nation's cultural and academic institutions. In 1998, the NEH created a special program designed to aid the Nation's public libraries in serving the public with humanities programming. Among the institutions aided in 1998 by Challenge Grants was the African American Research Library and Cultural Center, a new facility created by the Broward County Public Library to serve Broward County's growing and diverse population.

Through its Preservation Programs, the NEH is preserving the content of hundreds of thousands of brittle books, periodicals, and American newspapers—priceless sources for present and future historians and scholars. The Endowment's initiative to save such materials is now entering its tenth year, and will preserve nearly a million books and periodicals by the time it is completed. The U.S. Newspaper Project, an equally important effort to microfilm historic newspapers, is creating a comprehensive national database for scholars, students, and citizens who wish to research their community's history.

In November 1998, the First Lady and I joined the Endowment in honoring at the White House nine distinguished Americans with the National Medal of the Humanities. Through these awards and its grants programs, the National Endowment for the Humanities recognizes and promotes outstanding efforts to deepen public awareness and understanding of the humanities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 22, 2000.*

□

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□

IMPORTANCE OF FILLING OUT CENSUS FORMS PROPERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, I rise today with an important message about the census to members of the gay, lesbian, bisexual and transgender community.

While the census will not account for how many people are in the gay and lesbian community, the 2000 Census will count same-sex couples who live together. The census counts unmarried partners, regardless of gender, as well as their children.

Mr. Speaker, the census is the most important source of information about who we are, where we live, what we earn, how we vary by race and ethnicity, and how many children we have. The census numbers matter. They lead to changes in laws and policies that affect all of our lives.

I believe everyone in this Chamber is in agreement that it is important for every American to fill out their census forms and be counted. I do not believe I would be going out on a limb to say we all want people to fill out the forms openly and honestly. So if anyone out there is living with someone else as a couple, you should check ''unmarried partner'' to describe your relationship.

The category ''unmarried partner'' appeared for the first time on census forms 10 years ago in 1990. That year, 150,000 households were counted as consisting of same-sex unmarried partners, clearly a severe undercount. Since then, we have seen an unparalleled increase in visibility for members of the gay, lesbian, bisexual, and transgender community, including those in unmarried partnerships. Yet, they are not accounted for.

I applaud the efforts of the National Gay and Lesbian Task Force Policy Institute and the Institute for Gay and Lesbian Strategic Studies. These advocacy organizations are conducting an important national campaign known as ''Make Your Family Count,'' which urges same-sex couples to check the ''unmarried partner'' box on the census form when describing the relationship of two people from the same sex that are living together.

The campaign is supported by other advocacy groups such as Human Rights Campaign and is receiving a good deal of attention in lesbian and gay news outlets throughout the country. They have also launched a Web site, http://www.wecount.org, with information about the census and guidance to gay, lesbian, bisexual, and transgender couples on answering the census forms.

Correcting this lack of accounting is an important step so that we can get an accurate picture of the American population and the current American family. The information is vital to determining congressional representation and funding for various community-oriented programs as well.

I encourage everyone to accurately report to the Census Bureau critical demographic information that can lead to changes in Federal law and policy. Federal law guarantees that your answers will be kept confidential and the Census Bureau has a great record for preserving privacy, so there is no excuse for not being truthful in your response.

You should make your family, you should make your relationships count. You should fill out your census forms. And if you are living with someone to whom you are not married, you should check the box for ''unmarried partners.'' Fill it out today. You will not be sorry.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

(Mr. MILLER of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

SETTING PRIORITIES FOR FIGHTING THE WAR ON DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, in today's St. Paul Pioneer Press this headline caught my attention this morning. It reads, ''Drug-Related Deaths Set Record.''

The story goes on to say that ''drug-related deaths in the United States have reached a record level, while illegal drug users can buy cocaine and heroin at some of the lowest prices in two decades, according to a White House report.'' It further states that ''some 15,973 people in this country died from drug-induced causes in 1997, an increase of 1,130 people over the previous year.''

The story further states that ''only four of every 10 addicts in the United States who needed treatment received it,'' according to the report. Then it concludes by stating that ''the figures surely are distressing news for the Clinton Administration, which is spending record amounts of money to fight the war on drugs.''

Mr. Speaker, why do we have a record number of deaths from illegal drugs? Because we are spending the money in the wrong places.

Now the administration is calling for the expenditure of another $1.7 billion for drug eradication and interdiction in Colombia. We have already spent $600 million fighting the drug war in Colombia. What has been the result? The production of cocaine and heroine has skyrocketed. In fact, 80 percent of the cocaine and 75 percent of the heroin today in the United States comes from Colombia.

Mr. Speaker, our priorities are all out of line in the war against drugs. For the $400 million proposed to build new helicopters for Colombia, we could treat 200,000 addicts in the United States. When President Nixon in 1971 declared war on drugs, he directed 60 percent of the funding to treatment, and do you know what it is today, Mr. Speaker? Eighteen percent, 18 percent of the funding.

Overall, since the war on drugs started, we have spent $150 billion on crop eradication and drug interdiction. What has been the result? We have 26 million addicts and alcoholics in the United States today. Most are unable to get into treatment. Ten million have no insurance and therefore cannot get treatment through Medicaid. Sixteen million have insurance, but the insurance companies are blocking the access of all but 2 percent of these to treatment.

In the last 10 years, Mr. Speaker, we have seen 50 percent of the treatment centers close in America. Even more alarming, 60 percent of the adolescent treatment centers in this country are gone.

We need to wake up. The Congress needs to wake up. The President needs to wake up. We have a national epidemic of addiction on our hands, and we are about to spend good money after bad, another $1.7 billion for the Colombia boondoggle.

We need to listen to former Lieutenant Commander Sylvester Salcedo, who for 3 years worked on this effort with our intelligence forces and our military in Colombia. This is the way Lieutenant Commander Salcedo put it: ''This is a misdirection of our priorities. This money should be going to treating addicts in the United States, rather than trying to eradicate crops in Colombia.''

Mr. Speaker, I hope that wisdom and good judgment prevail in this body when this vote comes up, because this is truly a defining moment in our effort to curb illegal drug use in the United States. Are we going to continue wasting money on these eradication and interdiction efforts that do not work? All the studies show that treatment is 23 times more effective, more cost effective, than eradication. All the studies show that treatment is 11 times more cost effective than interdiction efforts.

When are we going to learn? When are we going to learn? Let us remember when this war on drugs was first declared by President Nixon, he said we should spend 60 percent of the money on treatment. Today it is down to 18 percent. We need to reverse those priorities. We need to emphasize treatment, provide access to the 26 million Americans already addicted to drugs and alcohol. Until we do something about the demand side, the disease of addiction that causes people to crave and demand drugs, we are never going to put a dent in this problem, which everyone in this body says is the number one public health and public safety problem.

Mr. Speaker, I urge this body to defeat the almost-$2 billion for more wasteful efforts in Colombia and redirect those priorities to drug treatment here at home.

□

DIGITAL DIVIDE ELIMINATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I am pleased to announce that today my colleagues and I introduced the Digital Divide Elimination Act of 2000, legislation designed to extend technology access to every home in America. I urge every Member's support of this vital piece of legislation.

More and more, America is transforming into a technologically driven nation, with every institution being impacted by the Internet and e-mail. In this new tech-driven economy, computers are becoming the crucial link to education, to information, to technological skills, to job sources, and to commerce.

For all Americans, personal and economic success will depend on having the ability to understand and use these powerful information tools. However, according to the Commerce Department's report defining the digital divide, a large segment of the population has no access to technology at all. In fact, less than 10 percent of households with income below $20,000 own computers or have used the Internet, an alarming statistic. Unless this changes, these poor families, in both rural and urban areas, will be left behind. Millions of Americans will not have the tools necessary to compete in the new economy and will become the first second-class citizens of the information age.

The digital divide has replaced Y2K as the major tech crisis facing America. Educators, Federal and local legislators and industry leaders have all begun to realize that the digital divide in America is a reality and are taking steps to bring technology to schools and libraries across America. We as public officials applaud them for their philanthropic efforts.

In addition, there are current and pending Federal legislation that provides incentives for private corporations to increase computer donations. The increased charitable deduction for computers under Tax Code section 170(e)(6) has boosted computer contributions to public schools. The additional tax incentives proposed in the New Millennium Classroom Act, H.R. 2303, and the President's budget proposal, will provide further inducements and will extend access to libraries and technology centers. I support both these efforts.

However, these efforts are not enough. To truly bridge the digital divide, we must build a public-private partnership to bolster these efforts, and, more importantly, extend technology access to every home in America. Only then will these children and

their families truly gain an appreciation for technology and the Internet, in the home, unfettered by the constraints of an institutional setting.

The legislation which we introduced this morning provides the incentives to bridge this gap and ignite the massive effort needed to make the information age a classless society. The legislation will induce private companies to donate computers, Internet access, software and technology training to schools, libraries, computer centers, and homes of poor families. In addition, the tax incentives will make it less costly for poor families to purchase computers.

Let me tell you what the legislation will do: first, the legislation will provide a refundable credit equal to 50 percent of the cost for computer purchases by families receiving the Earned Income Tax Credit, up to $500. While the costs of computers and Internet access are dropping, the cost of a computer still remains a barrier for many low-income families and many working families. Returning half of the cost of the computer to these families, or, in some cases, all, if computers are less expensive, will help to lessen the financial toll. Just a little assistance can go a long way towards helping working families help themselves and provide a brighter future for their children.

Second, the legislation increases the charitable deduction for computer donations to the higher of the depreciated costs of the computer and the market price of the computer.

□ 1830

Many corporations have already stepped up to the plate and have offered their assistance in trying to bridge this digital divide. However, if we are truly to give every American access to technology, more has to be done and here government should play a role. As a result of this provision, computer manufacturers will have a greater incentive to donate unsold computers because they can deduct the full value of the computer.

Mr. Speaker, in addition, nonmanufacturers will also have a greater incentive to donate computer equipment even where the depreciated cost of the computer exceeds the market price of the computer. Under current law, it is more economical for many nonmanufacturers to throw away used computers than to donate them to charity because they can take a higher tax deduction for disposing of the computer than for donating it. That is clearly bad tax policy, Mr. Speaker, and thankfully this provision will change that result.

Third, the legislation will extend the special charitable deduction for computer donations through 2004 and expand it to include donations, not only to libraries and training centers, but also to nonprofits that provide computer technology to poor families.

The experience of Computers for Youth in New York City which to date has delivered 103 fully-loaded Pentium computers to the homes of 7th and 8th graders in a South Bronx middle school highlights the need to extend these tax incentives to nonprofit organizations that are placing computers in the homes of poor families.

Computers for Youth has scratched the surface in this one place in New York. We need to encourage similar efforts by nonprofits across the country.

In conclusion, the President has placed priority on this issue and included $2 billion of tax incentives in his budget. I applaud him for this effort. This legislation goes even further to bridge the digital divide by focusing itself not only on provisions outside the home, but to bring computers to every home of every poor family in America. I appreciate this chance to bring this legislation to the American people.

□

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

(Mrs. BIGGERT addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□

HONORING DONNIS H. THOMPSON ON 20TH ANNIVERSARY OF THE NATIONAL WOMEN'S HISTORY PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I am delighted to have this opportunity to recognize the achievements of one of Hawaii's extraordinary women as we celebrate the 20th Anniversary of the National Women's History Project.

Dr. Donnis H. Thompson virtually founded women's collegiate athletics in Hawaii. She was one of the individuals who inspired my authorship of federal Title IX legislation by highlighting the inequities in funding of women's collegiate sports. During her 30 years at the University of Hawaii, Dr. Thompson pioneered numerous health and athletic programs. She served as Hawaii's first woman Superintendent of Education, was the first Women's Director of Athletics at the University of Hawaii, and authored the innovative ''Vision of Excellence,'' a 10-year blueprint for public education. Dr. Thompson has been a state and national leader in promoting girls and women's participation in sports and in promoting civil rights.

Donnis Thompson is the recipient of the Dr. Martin Luther King, Jr., National Outstanding Service Award, a member of the University of Hawaii Hall of Fame, and an Honor Fellow of the National Association of Girls and Women in Sports. April 15, 1981 was proclaimed as ''Donnis Thompson Day'' in the State of Hawaii.

Donnis is a dear friend and one of the women whose opinion and advice I value most highly. Today I celebrate her life of achievement and the positive impact she has had on improving opportunity for women in Hawaii.

□

FAIRLY COMPENSATING OUR MEN AND WOMEN IN UNIFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I want to start my comments off tonight by reading a poem that I think reminds us of just how important the men and women in uniform are to this Nation.

And the poem is written by a Father Denis Edward O'Brien, the United States Marine Corps, and it says:

It is the soldier, not the reporter, who has given us freedom of the press.
It is the soldier, not the poet, who has given us freedom of speech.
It is the soldier, not the campus organizer, who has given us the freedom to demonstrate.
It is the soldier, who salutes the flag.
It is the soldier who serves beneath the flag.
It is the soldier whose coffin is draped by the flag.
It is the soldier who allows the protester to burn the flag.

Mr. Speaker, the reason I read that poem is to remind the Members of Congress as well as the American people that we have many men and women in uniform who are willing to die for this country and to die for our freedoms. The reason I come to the floor once a week is to remind my colleagues in the Congress, both Republican and Democrat, that we have between 5,000 and 11,000 men and women in uniform on food stamps.

The reason I use that figure between 5,000 and 11,000, it depends on which agency we are talking about, but the way I look at this, if we have one, just one family in the military on food stamps, that is one too many. We have 60 percent of our men and women in uniform who are married who serve this Nation.

Our men and women are being deployed more than ever before. In fact, between 1982 and 1990, Army and Marine Corps operations, the number was 17 deployments. Between 1990 and today, our Army and Marine Corps have been deployed 149 times. We know that we have men and women in Bosnia. We have men and women in Kosovo. We have men and women in uniform all over this world.

My point in coming to the floor once a week is that I introduced, several months back, H.R. 1055 that has been signed by over 90 Members of Congress, both Democrat and Republican, that says that the men and women in uniform, if this bill should pass, would receive a $500 tax credit, if they qualify for food stamps.

I am first to say that this would not get each and every one off, whether it be 5,000 or 11,000 on food stamps, but what it would say to those men and women in uniform, we care about you. And, yes, we need to do more. At this point, this is the best that we can do.

Mr. Speaker, I am first to say that, yes, it would be nice if we could raise the salaries of those in the military so no one would ever be on food stamps, but that is not possible. Who is to say that 2 or 3 years from now we might not have any extra money to give any increases to those in our military?

I bring this picture, this happens to be a Marine, it could be a member of the Air Force or the Army or the Navy, I bring this Marine to the floor of the House, because this Marine represents all married men and women in uniform.

You can see standing on his feet it happens to be his daughter Megan. In his arms, he is holding his daughter Bridgett. And I look at this photograph, and I see this little girl's look. Of course, she is looking at the camera. But I am thinking, this little girl does not know this, but possibly her daddy might not come back from deployment. Hopefully, he will.

But each and every time our men and women in uniform go overseas, no matter where it might be, there is always that possibility that they might not come back. So I want to say to my colleagues, both Democrat and Republican, I want to thank those first who have signed the bill. Again, we are somewhere around 90 Members who have signed the bill.

I want to say to my colleagues on both sides of the aisle that I think it is unacceptable. I think it is deplorable that any man or woman in uniform who is willing to die for this country should be in the need of WIC, the WIC program or food stamps.

I will be sending out a dear colleague letter this coming week, and I hope that my colleagues on both sides of the aisle will sign with me on this bill, H.R. 1055. It is only a modest step forward, but it is a step forward for those in uniform on food stamps.

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STEM CELL RESEARCH HELPS US FURTHER UNDERSTAND CERTAIN MEDICAL CONDITIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY of New York) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week, there was a hearing before the Subcommittee on Health and the Environment of the Committee on Commerce concerning fetal tissue. Though the hearing was purported to be about alleged abuses involving fetal tissue for medical research, I believe it was an attempt by antichoice Members to try to stop lifesaving research involving fetal tissue and stem cells.

Mr. Speaker, I have introduced House Resolution 414 in a bipartisan manner with the gentlewoman from Maryland (Mrs. MORELLA) and many others to allow Federal funding of human pluripotent stem cell research to help us further understand Parkinson's Disease and other medical conditions.

I am asking for no specific amount of money nor to direct disease-specific research. I am only asking that Federal money be allowed to be used to utilize the next best chance science has to not only treat, but to cure debilitating and life-threatening illnesses that afflict millions of Americans.

Many people have been confusing human pluripotent stem cell research with human embryo research. Stem cells are not embryos. There is now a ban on the use of Federal funds for human embryo research in the United States. Stem cells cannot develop into a complete human being and therefore, under the law, they are not embryos. Stem cells are a type of cell that can be turned into almost any type of cell or tissue in the body. With further research, these cells can be used as replacement cells and tissues to treat many diseases, including Parkinson's Disease, Alzheimer's, Diabetes, AIDS, Lou Gehrig's Disease, and many others.

Stem cell research holds hope of one day being able to treat brain injury, spinal cord injury and stroke for which there is currently no treatment available. They may solve the problem of the body's reaction to foreign tissue, resulting in dramatic improvements in the treatment of a number of life-threatening conditions, such as burns and kidney failure, for which transplantation is currently used.

Mr. Speaker, my resolution, House Resolution 414, discusses Parkinson's Disease in particular for many reasons. My family has been personally affected by this devastating illness, and I am proud to serve as cochair of the congressional working group on Parkinson's Disease. However, it is science that makes the best argument to lead with this disease.

With all that is already known about Parkinson's Disease, it is believed that with Federal funds and stem cell research, it is very possible that Parkinson's Disease could not only be treatable, but curable within as little as 5 years.

Dr. Gerald Fischbach, the Director of the National Institute of Neurological Disorders and Stroke, said last year in the Senate, and I quote, ''I concur that we are close to solving, and I mean the word 'solving,' Parkinson's Disease. I hesitate to put an actual year or number on it. I think with all the intensive effort, with a little bit of skill and luck, 5 to 10 years is not unrealistic. We will do everything possible to reduce that below 5 years. I would not rule that out.''

Mr. Speaker, here is why that is possible. Parkinson's Disease is a progressive degenerative brain disease which kills a specialized and vital type of brain cell, a cell which produces the substance dopamine, that is essential for normal development and balance. The loss of these dopamine-producing cells causes symptoms, including slowness and paucity of movement, tremors, stiffness and difficulty walking and balancing, which makes the sufferer unable to carry out the normal activities of daily living.

In 30 percent of the cases, those symptoms include dementia. As the disease progresses, it inflicts horrific physical, emotional, and financial burdens on the patient and family, requiring the care-giver to assist in the activities of daily living and may eventually lead to placement in a nursing home until death. With further research into stem cells, scientists will be able to reprogram the stem cells into the dopamine-producing cells which are lost in Parkinson's Disease.

Parkinson's Disease affects at least 1 million Americans. Fifty thousand are diagnosed each year, and for every one diagnosed, two who have Parkinson's Disease are not diagnosed. It is alarming to think that 2 million Americans with Parkinson's Disease are undiagnosed. Parkinson's Disease costs the Federal Government approximately $10 billion in health care costs and, on an average, the cost per patient is 5,000 per year.

As a society, we spend $15 billion a year on Parkinson's disease and that is only in direct costs for treatments that only bring temporary relief.

Building on the technology developed from research on Parkinson's disease makes treatments and even cures possible for many conditions. These include Alzheimer's, diabetes, AIDS, Lou Gehrig's, brain injury, spinal cord injury, stroke, and problems with the body's reaction to foreign tissue.

It may even provide for safer and more effective ways to test drugs without experimenting on humans and animals.

We cannot allow the opportunities afforded us by stem cell research to go untapped!

The National Institutes of Health has proposed guidelines to human stem cell research to address the legal and ethical issues surrounding this particular type of research.

It is being approached in a responsible way to utilize the technology while being sensitive to the ethical questions raised.

The National Bioethics Advisory Commission (NBAC) even felt they could have gone further and is very supportive of allowing this type of research to continue with Federal funding.

The NBAC points out that Federally funding this research will allow Federal oversight to ensure this type of research continues ethically.

And finally, the American people support stem cell research as shown by a nationwide survey conducted by Opinion Research Corporation International last year that found that 74% of those polled favored funding of stem cell research by NIH.

Federal funds are crucial to allow scientists to proceed with stem cell research and to exploit fully this novel, innovative, and groundbreaking technology.

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The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the

House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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RESPONSIBLY MANAGING OUR NATION'S DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. MINGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. MINGE. Mr. Speaker, this evening I wish to address this body with respect to the problem of our Nation's debt and how we responsibly handle this debt in a time of budget surpluses. We are indeed fortunate as Americans to have the robust economy that we have experienced over the last 8 years. It is unprecedented. We have had the strongest sustained period of economic growth in the 220 year history of the United States of America.

At the same time, we have a record debt. I would like to begin my remarks by sharing with my colleagues an anecdotal story that is commonly used in my home State of Minnesota and it refers to two fictitious individuals named Oley and Lena. I happen to be of Scandinavian ancestry and one of my grandfathers was named Oley, so I do not know if it is my grandfather, but in any event, the story goes as follows.

Oley got up one morning and Oley went outside to do his business in the outhouse. And as he pulled up his bib overalls, a couple of quarters fell out of his pocket and down into the hole. Well, Oley was disgusted. He took out his wallet, took off his watch and he threw them down the hole as well. Oley went back in the house and did not have much to say and Lena said after a while, well, Oley, what is wrong? Why do you not talk to me?

□ 1945

Olie just said, humph. She kept pressing him. Finally, Olie shared with his wife Lena the account of what had happened out at the outhouse.

Lena said, well, Olie that was a dumb thing to do. Why did you throw your watch and wallet down the hole? Olie said to Lena, well, you did not expect me to go down after 50 cents, did you?

Well, this may be humorous and it may appeal to grade school children; but on the other hand, it holds a certain kernel of truth with respect to the problems that we face out here.

We struggle with the losses that we have had as Americans, the losses in terms of an enormous national debt. We try to figure out what to do about it. Sometimes we think that by creating a little bit more debt and then going down and rescuing what we just created that maybe we have solved the overall problem. But I submit that is not the case. A lot like Olie, we go back into the house, and there is a certain order to us, and we really do not have any more to show than before we started.

I would like to just use a couple of charts here to illustrate this problem with the accumulating national debt, and then I know I have some colleagues here; and I would like to make sure that they join in the colloquy here this evening and that we fully inform the other Members of this body as to the gravity of the situation and the opportunities that await us.

This first chart shows the accumulation of the debt that we have at the Federal level in the United States. This goes back to 1980 when the debt was approximately $1 trillion, which would be about $4,000 at that time for every man, woman, and child in our country.

As my colleagues can see, there is a tremendous amount of red ink. By the time we get to 1998, the debt has exploded to $5 trillion. It has expanded by more than 500 percent. Now it is up to about $5.7 trillion, or about $20,000 for every man, woman, and child in our country.

So it is important for us as Americans to understand that, when we talk about a balanced budget, it does not mean there is no debt. Indeed, the debt is unprecedented. When we think of $20,000 for every man, woman, and child in our country, we are talking about a very serious situation. It is not just the humor of an Olie and Lena story.

It is important for us to understand the difference between the words ''debt'' and ''deficit.'' This next chart shows the birth and the sort of the difference between the debt and the deficit. Now, remember that we had that $5.7 trillion debt. The deficit is how much we have gone into debt each year. It is an annual figure.

Again, if we go back to, in this case, we are going back to the 1970s, 1969, we had a little bit of a surplus. That was in President Johnson's administration. Then in the 1970s, during President Nixon, we have some losses. We see the yellow. During President Ford's administration with the green, we have some more losses. President Carter's administration, now we can call it red ink. It is getting red. During President Reagan's administration, we have an enormous amount of red ink. During President Bush's administration, we can see the turquoise.

So these are deficits. Each year we are accumulating more debt. That is what leads to the $5.8 trillion we talked about.

Here is President Clinton coming in. We can see that we have a large deficit the first 4 years. The fifth year, it is a fairly modest size deficit. Then finally we begin to show some surpluses here in 1999 and 2000.

So this talk about a surplus has to be understood against the fact that we have an existing $5.7 trillion debt. We cannot be confused by the difference between the debt and the deficit. It is kind of like, Mr. Speaker, we have got to go back to budgeting 101.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM) to continue our discussion because there are many more developments here that are important for us to consider if we are going to do a responsible job as Members of Congress in developing a budget for the year 2001.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Minnesota (Mr. MINGE) for yielding to me. I thank him for his leadership on the budget and for his calling this special order tonight to talk about deficits and debt.

The Blue Dog budget that will be hopefully eligible or allowed to be considered tomorrow is one in which we emphasize paying down the debt. We are going to hear a lot of rhetoric perhaps later tonight, and I know we will tomorrow, about surpluses.

One thing that everyone needs to understand, Mr. Speaker, is when we are talking about $4 trillion in projected surpluses, they are projected. The lion's share of those surpluses are projected to occur in 2006, 2007, 2008, 2009 and 2010. Now, who among us can predict tomorrow much less predict 5 years, 6 years, 7 years from now?

That is why the Blue Dogs have taken the position for the last 2 years that the conservative thing to do with projected surpluses is to apply as much of them to our debt as we can. That is the conservative thing to do just in case they do not materialize.

That is why we have suggested that any non-Social Security, and let me emphasize that because the record will clearly show that both sides of the aisle are now dedicated to not touching Social Security surpluses or Social Security trust funds, and that is good. That is positive. It is the non-Social Security Trust Fund or surpluses or dollars yet to be achieved that we are talking about.

Just for rounding off purposes tonight, we are talking about $2 trillion. Many people are going to contend that that is your money, meaning the American people's money; and, therefore, it ought to be returned to you. But some of us will be contending that it is also your debt.

There are charts that the gentleman from Minnesota (Mr. MINGE) has just shown, the one that stands to his right right now showing the build up of the debt and then the building of the debt and showing that we now owe approximately $5.6 trillion.

Now I ask all of you who are so exuberant about a tax cut so we might return it to those of you earning it today, what about your children and grandchildren? Why not take this longest sustained economic expansion in the history of our country that has occurred in the last 7 years, why not take this period in which a lot of folks are doing very, very well and use this opportunity to pay down some of that debt which this generation has built up?

That is the message that we are going to continue to hammer on. We think it makes sense. We think it is the conservative thing to do. We do not

think there is anything conservative about giving a tax cut and spending our children and grandchildren's future now, particularly when these surpluses may not occur.

This is one thing that has really bothered me and why I have on occasion said that the trillion dollar tax cut proposed by some is the most fiscally irresponsible bill to come before the House of Representatives in my 21 years here. Many people almost get to fighting with me when I say that because they say I can point to others. I say, no, you are misunderstanding what you are saying. It is not the current effect of the tax cut that worries me. It is 2014. It is when this debt to our Social Security retirees, the baby boomers, are about to retire.

It is in 2014 when we are going to see the surpluses built up by Social Security suddenly evaporate, and then that Congress in 2014 will either have to increase taxes or reduce benefits, promised benefits to that generation.

Now, to me that is fiscally irresponsible. It is why we are saying that, when we look at tax cuts that start slow and then explode in 2010 to 2014 to 2020 at exactly the same time that the economy to pay off Social Security is going to require tremendous additional dollars, it is irresponsible for this Congress in 2000 to have a tax cut that ignores that debt and that deficit that will occur in 2014. No one disagrees with that.

This is why, again, going back to the short term, and that is tomorrow and the budget, why the Blue Dogs have proposed a budget that will pay down the debt held by the public by 2012. Now that may not sound like much compared to 2013. The Republican substitute says that they will pay it down by 2013. We say we will do it by 2012, one year.

But here is the significant thing about our deficit reduction package. We retire over 30 percent of the debt held by the public within 5 years, and 80 percent of the debt held by the public would be retired within 10 years because we have a plan that actually reduces the debt.

I believe it was the idea of the gentleman from Minnesota (Mr. MINGE) who came up with the 50/25/25. I do not remember. But I think it was. He came up with this proposal originally when we started down this path, taking 50 percent of any surpluses and using that to pay down the debt.

Mr. MINGE. Mr. Speaker, reclaiming my time, I know we struggled with this question, what is an appropriate balance. I think that most of us in our Blue Dog Coalition Group felt that our responsibility is first to our children and grandchildren; and that reducing the debt and the interest burden on the next generation is critical; and that our generation has had the benefit of many of these Federal expenditures. We should not demand that we continue to eat dessert indefinitely and that part of what we needed to do was to pay down the debt. So the first 50 percent there. Then we also recognize that there are some priority programs, especially for young people, for veterans, other sectors of our society that are struggling; and, finally, that some tax relief is needed. We have some inequities in the tax code. Simplification should be done, and these adjustments in the tax code do affect Federal revenue. So we try to strike a balance of that.

One thing that we have noticed is we are joined by the gentleman from Mississippi (Mr. TAYLOR). I know that he has fought long and hard with respect to this challenge of how we responsibly deal with this era of surplus.

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. TAYLOR) to give him a chance to share his views. I know that he is very forceful on this subject.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would hope that one of the thoughts I could leave with the American public tonight is that, yes, Congress did balance the budget last year; but there was a lot of trickery in the budget to achieve that goal.

One of the tricks that I regret the most about that budget that was done in order to balance it was the fact that the troops have traditionally been paid on the last Friday of the month. As the gentleman from North Carolina (Mr. JONES) pointed out earlier, we have a lot of troops who are just getting by.

It is interesting to note that a higher percentage of people in uniform are married than the general public, about 60 percent of them. Many of those young couples have instant families, two, three, four children within a very short period of time. They tend to be the ones who end up on food stamps because they simply are not getting enough in their pay and in their benefits.

So I found it particularly distressing that, in the Republican budget this year, that in order to balance the budget, they delayed the pay raise for the troops from Friday, September 29 to October 1, the following Monday.

Now, for a Congressman who is making very good money, over 130,000 a year, delaying our pay for 2 days really is not a big deal. But when one is an E4 or an E3 and one has three kids, probably several of them in diapers, that means a weekend of somebody digging around in the cushions of the couch and rolling pennies so one can have diapers for the babies and formula for the kids, and that is wrong.

So to run around and, as the gentleman from Texas (Mr. STENHOLM) talked about, give away a trillion dollar tax break when one is playing games just to make ends meet is highly irresponsible.

Something the gentleman from Texas (Mr. STENHOLM) mentioned, and again I do not think it can be said often enough, yes, it is their money. Yes, it is their country. Yes, it is our debt. Almost all of this debt has occurred in our lifetimes. If you are listening to me tonight, most of that debt has occurred in your lifetime. Between 1776 and 1980, our Nation acquired $1 trillion worth of debt.

□ 2000

From 1980 to 1988, the debt doubled, from $1 trillion to $2 trillion. But, sadly, it continues to get worse. From 1988 until now, our Nation is now $5.7 trillion in debt. And just like anyone else who is in debt, not only does it have to be paid off, but it has to be paid off with interest. The biggest shocker for most of the people I encounter is when they find out that the biggest expense of their Nation, the biggest outlay of their tax dollars is interest on that debt; a billion dollars a day.

I come from an area that is very pro military. We have a number of shipyards; we have a number of military bases; a lot of kids enlist. I regularly have moms and dads write me saying why is my son flying around in a 30-year old helicopter? Why is he flying around in a 30-year old transport plane? Why is he traveling on a 30-year old ship? Well, the truth of the matter is for what we are squandering in interest, we could be buying a destroyer a day for the United States Navy. A new destroyer a day.

Instead, because of a lack of money, we are only going to buy three destroyers this year. For what we are squandering in interest, we could buy 10 B–22s a day, or about, geez, 30 new UH–60 Blackhawk helicopters. The list is endless for what we are squandering on interest.

The other thing I really think our citizens need to be aware of is the change in demographics. Because not only do we have to pay off this debt, but the window of opportunity for paying off this debt is rapidly closing. My dad is still living, and my dad was born in the 1920s. Therefore, when my dad was a teenager in the 1930s, when Social Security was just starting, there were 19 working people for every one retiree. Right now, the year 2000, there are three working people for every retiree. If I live to 2030, and I hope I do, there will be only 1.5 working people for every retiree.

So not only has this generation run up an incredible debt, but the number of workers available to pay that debt off is shrinking, and it is shrinking on a daily basis. And it will simply be impossible for that young person who is a page today up here, that young person who is in grammar school, or that young person who is in high school, when they reach their peak income earning years it will be physically impossible for them to pay their house note, take care of their kids and retire our national debt if we do not take those steps right now. That is something I would hope Americans would consider.

Quite frankly, I am distressed when I hear folks tell me, particularly young

folks, I want a strong military, but do not ask me to serve. I want a strong Nation. I want this to be the best Nation on earth. I want the best roads, the best canals, the safest air travel, with the most secure future as far as medicine, the most secure future as far as my retirement but, by the way, I do not want to pay for it.

It is the same thing. We do not get to be the best by taking the easy path. And what troubles me the most about my Republican colleagues when they talk about these tax breaks is that they somehow imagine we can spend all kinds of money and not pay for it; that we can somehow have great health care, a great defense, that we can have great roads and great public safety in the air and on the roads, but that we do not have to pay for it. That is not what life is all about. Life is if we want good things we have to earn them. And if our Nation wants to continue to be the best, we have to earn that as well.

Demographically, we are going to have, as I mentioned, in 2030, an extremely small percentage of Americans who are eligible to serve age-wise in the military services. That is why we need to modernize our military. In the past few weeks, the Joint Chiefs of Staff came before the House Committee on Armed Services and identified $16 billion worth of unfunded requirements for this budget. And that is why I want to commend the gentleman from Minnesota (Mr. MINGE), the gentleman from Texas (Mr. STENHOLM), and the other people who put together the Blue Dog budget, because the Blue Dog budget would increase the Fed's spending this year and for each of the next 5 years $15 billion over the Republican plan.

Better than that, the people who made this Nation great, the greatest generation, the people who got us through World War II, they are reaching that point in their lives where they need some help healthwise, and particularly our veterans. Because, again, I mentioned the travesty of cheating the troops on their pay, but what aggravates me even more is that for 3 of the past 4 years the Republican Congress has flat-lined the VA budget. No increase at all. And only last year, after a group of us got together and said what is more important, taking care of our veterans or tax breaks, did they finally realize that taking care of our veterans was more important.

The Blue Dog budget would increase veterans care by $10 billion more than the Republican budget over the next 5 years and fully pay to fulfill the promise of free lifetime health care for our military retirees. The Republican budget does not do that.

Great nations keep their words. One of the words that we have to keep are those words to our military retirees that they would be given free health care for themselves and their dependents the remainder of their lives if they served their country honorably for 20 years. The Blue Dog budget, which will be on the floor tomorrow, will do that; and I commend all my colleagues for making that possible.

Mr. MINGE. Mr. Speaker, I would like to thank our colleague from Mississippi. He has been an outstanding fighter, one of the most articulate Members of this body, in forcefully addressing this problem of how do we responsibly deal with the surplus.

I would like to next yield to my colleague from Wisconsin (Mr. KIND), who has worked long and hard on this. And I know he has a little levity that he can share with us on how we should assess our Nation's priorities.

Mr. KIND. Mr. Speaker, I thank my good friend from Minnesota for yielding to me, and I commend his work, as well as the gentleman from Texas (Mr. STENHOLM) on the Blue Dog budget. I am not a member of the Blue Dog Coalition, but I have consistently in the past supported Blue Dog budgets when they have been offered as alternatives during these budget resolution debates that we have had, because I feel that when we put these Blue Dog budgets together that they are more in line with where I think the American people are and where our priorities really should exist.

Tomorrow we will have a very important day on a budget resolution. This establishes the blueprint of where the Federal budget is going to be heading throughout the duration of this year and for many years to come. We are in a position now with the strength of our economy, with some projected budget surpluses around the corner in the future, that hopefully will materialize, to do some extraordinarily good things for the future of this great Nation of ours.

I am afraid, however, that when we start the debate tomorrow it will be, as Yogi Berra once said, ''Deja vu all over again;'' that what the majority governing party in this Congress will be offering on the floor tomorrow will be an emphasis on their first and main priority, which is trying to pass the biggest tax cut that they possibly conceivably can do here in this Congress, as they have now over the last couple of years.

Fortunately, we have had a President in the White House who has felt that that has not been the fiscally responsible best approach that we should be taking as a Nation. And yet tomorrow we will be seeing a budget resolution which is very comparable to past years' budget resolutions, ones with a heavy emphasis on large tax cuts.

That is also unfortunate because the district I represent in western Wisconsin, I think, brings a lot of common sense to this debate. They tend to view the Federal budget process similar to their own family finances, and that is that if they start running into some good times in their family, what should be the first obligation is taking care of already existing obligations, and that includes already existing family debt, before they give themselves a vacation or spend whatever excess funds that they might have on a new item for the family.

I think if this Congress were to operate under the same type of principles and values, we would be a lot better off as far as securing economic opportunity and ensuring a very bright and hopeful future for all of our children.

I have two young little boys back home in Wisconsin, Johnny will be 4 in August, Matt will be 2 the end of May. Much of what I do here in Congress in the votes that I cast are done through their eyes and with the hope of a very bright and prosperous future that they have to look forward to. With the advancements of medical science we are seeing today, which is truly mind-boggling, these young kids that are being born today could, in all likelihood, live to see the 22nd century, which is amazing when we think about it. So the decisions that we are making are not just decisions that are going to affect us today and tomorrow and for the next fiscal years but for generations to come.

That is why I think it is so important that we make these decisions and get them right. That is why I feel so strongly that a $1 trillion tax cut that will be proposed tomorrow over the next 10 years, one that is anywhere from $150 billion to $200 billion over the next 5 years, which would virtually spend every nickel, every dime of a projected surplus that, hopefully, will materialize, and there is no guaranty that the surpluses will materialize to that magnitude, with the energy crisis we are in today, with a lot of indications out there where this economy could turn south on us, that if we pass large permanent tax cuts today, they could come back to haunt us tomorrow.

Mr. MINGE. If my colleague would allow me to interrupt for a moment, he referred to the energy costs and tax cuts. I had a very interesting experience just this last week. I visited a small trucking company, and the founder of the trucking company pulled me to one side. He is an older gentleman. And he said, I always want tax cuts. I always want tax relief. We are going to have a bad year or two here with these high fuel costs. But he said I want you to go back to Washington and pay down on the debt.

And I must say that that made a deep impression on me, because he shared his priorities. He said, I vote Republican almost every reelection, but this is what I think is right for the Nation.

Mr. KIND. Well, that is what I am hearing back home as well, from Republicans, from wealthy families. They understand we have existing obligations that really need our attention at this time.

We have a $5.7 trillion national debt. I am glad the gentleman was able to bring those charts tonight highlighting when this debt was accumulated. By and large 85 percent of that $5.7 trillion was accumulated during the 1980s and

1990s, relatively recently. This is a new phenomenon for this Nation. We have never seen a debt burden of this magnitude, except during time of war, such as the Second World War, and it was accumulated recently, with our generation.

If we want to talk about morals and values in Congress and what we do around here, what is more immoral than passing on a huge debt burden on to our children and grandchildren and future generations? That is exactly what we will be doing tomorrow if we pass a budget resolution that places the first and foremost priority on large tax cuts in the future rather than getting serious about debt reduction.

There are a lot of merits to debt reduction, a lot of economic benefits to it. And people do not have to take our word for it tonight, they should just listen to what Chairman Greenspan consistently testifies about when he is before our committees here on Capitol Hill. He has consistently, over the recent years, said that if we do anything with projected budget surpluses, we should first see if they materialize and, if they do, use it for debt reduction, because that will mean less Federal borrowing in the private sector. It will enable the Federal Reserve to lower long-term rates in this county, which is going to make it cheaper for people and businesses, farmers, even students to borrow money for their purposes, and create jobs. Invest in the infrastructure. With lower rates, that is really the key, I think, of this extraordinary growth that we have seen in this Nation.

I brought with me today just a few quotes from Chairman Greenspan based on his previous testimony before Congress. When asked about the wisdom of passing large tax cuts today, his response was, and I quote,

I'm saying hold off on tax cuts for a while. I'm saying that because the timing is not right.

What he means by that is if we pass a large tax cut now, which will spur consumption in this country, it has the potential of igniting inflation. And with the increase in inflation, or any type of inflationary indicators out there, the first thing the Fed is going to do is really start raising rates up, as they have been trying to do recently by tapping on the brakes. But with a large tax cut that could spur inflation, they will slam their foot on the brakes, and that is going to stop the growth that we have had in the country.

That is why Chairman Greenspan is saying hold off, make sure what we do not do is something that will be inflationary in our economy. He also stated, and I quote,

Therefore, as I have said previously, my first priority, if I were given such a priority, is to let the surpluses run. To me, currently, the first best is to allow the surpluses to run and the government debt to run down.

Why is this important? Again, no one has to listen to us here tonight, listen to what Chairman Greenspan has had to say, someone that I think has an incredible amount of credibility when it comes to managing the economy in this country. He went on to say,

It is precisely that imprecision and the uncertainty that is involved which has led me to conclude that we probably would be better off holding off on a tax cut immediately, largely because of the fact that it is apparent that the surpluses are doing a great deal of positive good to the economy in terms of long-term interest rates, in terms of the cost of capital and the ability effectively of the American government to borrow when it has to. Because as we reduce the amount of debt outstanding, the borrowing capacity of the Federal Government rises, which is a very important long-term issue.

□ 2015

That is why I think we are right now at the crossroads of being able to pursue what is a very fiscally responsible and disciplined course.

As a member of the New Democratic Coalition, that is our first priority is to maintain fiscal discipline and bring fiscal responsibility into the creation of these budgets and in these budget debates. But it is sad that we are having a rehash of previous year budgets that we are going to have tomorrow morning, an emphasis on large debt reduction, less of an emphasis on the need to reduce the national debt, less of an emphasis as far as taking care of our existing obligations, which means shoring up and saving Social Security and Medicare for future generations.

Mr. MINGE. Mr. Speaker, I really appreciate the insights of the gentleman on this. I think it is helpful to those of us in Congress. It certainly, I hope, is helpful to the staff and everyone else that we work with.

It is interesting, there are several groups, my colleague has alluded to one, the New Democratic Coalition, the New Democratic Network. We have the Blue Dog Coalition. So within the Democratic Caucus here, the 205 or 207 Democrats in the House of Representatives, we have subgroups that have a deep commitment to reducing the Nation's debt. The people that are speaking here this evening are drawn from these two subgroups of the Democratic Caucus.

One thing that is also of interest to me is that the gentleman from Wisconsin (Mr. KIND) and I are from the upper Midwest, so we started at the northern end of the country, Minnesota, went down to Texas, went over to Mississippi, now we are up to Wisconsin. And we have got a couple of colleagues here from the east coast and the west coast; and as much as we sometimes think could we not just let those coastal areas go out to sea, we better also get the benefit of their wisdom here.

Mr. KIND. Mr. Speaker, before we conclude with our comments tonight, I again commend the gentleman from Minnesota (Mr. MINGE) for the outstanding leadership that he has provided on this issue. But I do not want people to be under the impression that we do not believe that we can provide some tax relief in these budgets. I think we can as long as we do it in a fiscally responsible and disciplined manner so we do not lock into some long-term commitment that could come back and haunt us and start adding to rather than detracting from the debt.

It is sad tomorrow we are going to have a budget resolution that virtually spends the entire projected surplus that may not even materialize. But what is even sadder is that we have got the Republican candidate for President out there running who is calling for an even larger tax cut plan than what is being proposed in the majority party's budget resolution tomorrow.

I just brought with me today what perhaps is the saddest part of this whole debate, and that is that there is a comic strip in this country that is probably more reflective of where the American people are on our responsibilities and Social Security and Medicare and debt reduction than the governing parties in this Congress.

I do not know how many of my colleagues saw the Doonesbury cartoon that appeared about a week ago or so, but I thought it was very insightful as far as the feedback I am getting from my constituents back in the district.

Just to go through it real quickly, there is a group of men here talking amongst themselves it looks like in a cafe. One guy says, ''Heads up. He's coming this way.'' There is an empty hat that appears that I think is supposed to depict Governor Bush. And one of the other gentlemen says, ''Try not to make eye contact.'' Governor Bush says, ''Hi, fellas. I'm Governor Bush and I am asking for your support. If you vote for me, I will give you a huge tax cut. How is that for a straight deal, huh?''

The gentleman responds, ''Well, I'm not sure. I mean, I can see how the wealthy might get excited. They will be averaging $50,000. But it wouldn't mean much to a guy in my bracket. Besides, I care a lot more about shoring up Social Security and Medicare and paying down our national debt.''

''Yeah, didn't fiscal responsibility used to be a Republican issue,'' another gentleman says. And then the Governor responds, ''But, but, but, you don't understand. I'm offering you something for nothing, free money. Don't you want free money?''

''Sure, but not until we pay our bills.''

''What is the matter with this country,'' Governor Bush says.

''I guess we have grown up a lot as a people. I know I have.''

I thought that comic strip was very insightful of what I think is, by and large, where the American people are on this issue, that if we do have surplus money, let us use it for debt reduction to secure future generations opportunities in the country and let us start taking care of Social Security and Medicare rather than putting ourselves in this box that we have created.

Mr. MINGE. Mr. Speaker, my friend the gentleman from Texas (Mr. STENHOLM) is on his feet, and I yield to the gentleman.

Mr. STENHOLM. Mr. Speaker, I want to use this opportunity since it might appear to everyone listening to us that the Blue Dog budget has no tax relief. We do. We provide for approximately $250 billion in tax cuts over the next 10 years. We provide for a true and honest mitigation of the marriage tax penalty that we have talked about so much on this floor. But we truly attack the marriage tax penalty, not the added on $100 billion.

We expand the earned income tax credit. We facilitate financing of school construction and renovation. We provide for increasing credits and deductions for tuition for postsecondary education. We have foster community development and combat urban sprawl relief.

We reduce the death tax. Remember that one? This is one of which we provide that every small businessman or woman, farmer and rancher, with a $4 million estate would have immediate exemption from all death taxes. In this budget we are talking about, that is possible to do. And many others.

So I do not want anyone to get the misimpression that we are opposed to all tax cuts. Remember the 50/25/25? We are saying any available surpluses, 50 percent should go to pay down the debt; 25 percent should be spent on priorities, of which the gentleman from Mississippi (Mr. TAYLOR) spoke so eloquently about, priority of defense, veterans' and military retirees, which we fully fund, at least the retiree part of it; and then we have 25 percent of the projected surpluses that can and will be and should be used for tax relief. That is in this what we are talking about.

Mr. MINGE. Mr. Speaker, I know that we are joined here this evening by our colleague from North Carolina (Mr. MCINTYRE) and I would like to yield to the gentleman.

Mr. MCINTYRE. Mr. Speaker, each of us are expected to balance our own checkbooks. We all go through that ritual usually at least once a month when we pay our personal and family bills and our business bills back home. So why should we ever expect any less from the Federal Government?

Right now, with our debt being about $5.6 trillion, this is approximately $21,000 for every man, woman, and child in this Nation. That is outrageous. And as my colleague from Mississippi (Mr. TAYLOR) spoke a minute ago when he was talking about the military, and I, too, serve on the Committee on Armed Services, we are spending more on the interest on the national debt than on our entire national defense budget.

Now, when people do say why are we in 30-year-old fighter planes and 40-year-old bombers and 30-year-old ships, we know the answer. Now is the time. Now is that window of opportunity to reverse this terrible trend and to restore financial integrity to our financial Government.

As the gentleman from Wisconsin (Mr. KIND) was saying, we do want to have moral integrity in Government. We also need to have financial integrity. And that is part of what it means to offer the moral type of leadership in this Nation is to be honest with people and to quit running up debt. Because, after all, as we all will too well realize come April 15 next month, it is not the Government's money, anyway; it is the people's money. And this is the people's House. And as stewards of that money, we ought to be paying down debt.

I had a phone-caller the other day on a radio show back home in North Carolina who said, why is the term ''surplus'' even being used? Personally, I think he made a good point. When we look at our budgets, if we owe money, I do not consider myself having a surplus if I owe money. And our Nation owes money. We owe a lot of money when we talk about $21,000 per man, woman, and child.

So, under the Blue Dog budget, we have got a great opportunity now to pay off that debt; and by doing that we are giving the best tax break of all.

We do have some targeted tax cuts, as the gentleman from Texas (Mr. STENHOLM) was saying. But we also get the across-the-board tax cut that everybody will feel who has a credit card or who has a home mortgage or has a car loan. That is most of all of us in America, whatever our socioeconomic status may be or whatever part of the country we may live in by reducing interest rates. Everyone will feel that type of tax cut by having lower interest rates on their credit cards and their home mortgage payments and their car loans.

And by paying down the national debt, that puts us in a position of strength, strength to help us shore up Social Security, strength to help us shore up Medicare, and to allow families who do have debt ahead of them, such as for college education, to be able to better afford that for their children.

Mr. MINGE. Mr. Speaker, if my colleague would allow me to just illustrate the point he has made.

Here is a graphic depiction of the type of interest rate reduction that Chairman Greenspan has said is realistic if we make a substantial reduction in the outstanding Federal debt.

On a home mortgage, we could reasonably expect interest rates to drop by 2 percent if we reduce the public debt by about $2 trillion. On a home with a mortgage monthly payment of $844, that would provide a dividend of $155. That is an annual dividend that would be equal to what most families would expect in any tax cut.

So not only do we reduce the debt, which is a benefit to our children, but we have this dividend, as well. That is exactly what the gentleman is talking about. And this plays out. We can look at the farmer buying a combine. We can look at the college student with his college loans. And that dividend is important. And that is a type of tax cut, if you will, in and of itself.

Mr. MCINTYRE. Mr. Speaker, that is the best of all because everyone benefits from it.

The saying is that the time you fix a leaky roof is while the sun is shining. Well, thank the good Lord the sun is shining on our Nation. Some areas are not prospering as much as others.

My home county and Robison County, North Carolina, and the adjoining county of Columbus County have more than twice the unemployment rate of our State. We are suffering. We need to find a way to help pay down the debt that we can then let people invest in their jobs and have job opportunity for economic growth in the underserved rural areas of our Nation, as well.

This is the time, while the sun is shining, to fix the leaky roof that all Americans can share in the prosperity; and the best way to do that is to pay down the debt that we all, as Americans, owe.

This, indeed, is our golden opportunity. As I said, it is not the Government's money. It is our money. Let us do the responsible thing and let us pay down the debt.

With that, I look forward now to going from coast to coast with the gentlewoman from California (Ms. SANCHEZ), as I know she is getting ready to speak, from North Carolina to California.

Mr. MINGE. Mr. Speaker, like the gentleman has indicated, we are going to the west coast. We have a distinguished member of the Blue Dog Coalition and of the Hispanic Caucus, the gentlewoman from California (Ms. SANCHEZ). Would she please share with us some of the analysis that she brings to bear on this from her perspective in California.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from Minnesota (Mr. MINGE) for yielding.

Mr. Speaker, it is really a pleasure, actually, to be a member of the Blue Dogs. I know that there are quite a few people across the United States that have not really found out about our group here in the Congress on the Democratic side. But the reality is that one of the reasons I really enjoy being a part of this group is because I do have a financial background, having a degree in economics and an MBA in finance and having been in the financial industry for 14 years before I got to this Congress.

It is always important to me to apply the financial rules that I know that I use in my daily life or that I would expect somebody coming through the front door and asking for a loan to apply. And first and foremost of that, of course, is, What is your liability situation? What are your assets? What is the income that you are earning or what you think you are going to have as far as money coming in on a monthly or annual basis? And it should not be

any different for what we do here in Congress.

First and foremost, when we have the good times, as my colleague from North Carolina (Mr. MCINTYRE) said, when the sun shines, we need to think about what we do with this extra money that is coming in.

Most families, most businesses, a lot of us pay down the liabilities that we have, we pay down our debt. If we have gotten into tough financial times and we have had to go to the bank or we have had to put a second mortgage on our home, and then if it gets worse, we go and we use the credit cards we get through the mail, sometimes a little too easily these days, but we go and we get the credit where we can get it. And every time, I am sure most families think they are going to get the credit at the least amount and then, as they need more, they get more and more credit at a higher rate.

This is what we did during that 1980's time period. We increased the debt to pay several programs that we had ongoing, without the money coming in to pay for those programs.

Now we are in the reverse. Now we have a good economy. We have a strong economy. But it is not going to last forever. So what do they do when they finally have that good job where they are getting the extra money? First they pay down the credit cards. Then they take the second mortgage off of their home. They pay back their family the money they borrowed. And maybe they keep a little bit of debt. But they certainly do not keep all of that debt, because there will be at some point some sort of a downturn and they have to prepare for that.

Sometimes we forget about that when we are in the good times. We have had 7½ years of really good times in the United States. And I, as a lawmaker, want to see all the people in my district and as many Americans continue that. But things do change, and we all know that.

Today we have a prime example of that. When I was younger and first driving my first car, I remember standing in lines of 50 cars waiting to try to get some gas into my car the last time we had a real oil crisis.

□ 2030

At that time we paid almost anything just as long as we could get that gas in our cars to run it. While we were going through that, we said to ourselves as a Nation, as a people, we said, ''Never again. We're never going to let this happen again to us. We're going to drive more efficient cars. We're going to find alternative fuels.'' As the good times came, we began to forget that. Today, about 15 or 20 years later, here we sit again and guess what? The prices of gas are going up. I sit there and I think to myself, maybe we will have a recurrence of this. So we have to remember things go in cycles. We are in the good part of the cycle. We need to take that money and we need to pay down the debt. The Blue Dog budget does that. It says, ''Let's take care of the first thing first.''

It also says we are not afraid of tax cuts. We realize that we can give tax cuts to people, tax cuts that are important if you are investing in a business, if you are investing in research, let us allow American businesses and people to do that. If you are investing in yourself, if you are investing in your children by getting an education, let us help Americans decide that that is the right thing to do. If we want to invest in our schools and new school construction like we all run around and say, then let us give tax credits so communities will step up to the plate and do what is right and build that new classroom or build that new high school that they need. Our budget allows Americans to do that. It also allows us to work on the programs that need to be worked on, like Social Security and Medicare.

Mr. MINGE. Maybe before the gentlewoman gets into any of the specifics there, we could just give some of the numbers actually on this debt reduction. The Blue Dog proposal which we have been talking about over 5 years would reduce the national debt by $85 billion. Given the size of the debt, that is just a small nibble. But compare that with the bottom line here. The Republican proposal with the tax cuts that they are including, modest actually by comparison to ones that they have proposed over these last few months, and if they are going to do the prescription drug correction that they have promised they are going to do, would leave us about one-tenth of that amount. In the middle is the proposal coming from the Democratic Caucus, which is, as you can see, fiscally more conservative than the Republican proposal. Let us take a 10-year projection. Here we are beginning to see larger sums. Approximately 10 percent of the debt would be paid down, maybe 9 percent under the Blue Dog proposal. Under the Republican proposal actually we would go to more red ink. Again we are assuming the tax cuts that they have been talking about, we are assuming some of the program expansions that they have been proposing. So there is a dramatic difference. I think that we also have to be careful that we are not misled by talk about the so-called public debt and the privately held debt and all of these things. There are proposals to have Social Security trust fund money saved for Social Security and the net effect of that is to reduce the amount of debt that is outstanding in our hands as individuals, the Arabs, foreign investors and so on, but if you wrap it all together, the Social Security trust fund and the debt that is held by those of us as individuals, they in their 10-year plan will not be making a dent in that debt. It is still $20,000 roughly for every man, woman and child that is owed to the Social Security trust fund and is owed to individuals, banks, institutions that hold these Federal bonds.

Ms. SANCHEZ. I would agree with my colleague. I guess I will just end with the old adage. If it sounds too good to be true, then it is probably not true. The Republicans have offered an enormous tax cut. Granted not as enormous as the guy who is running for President that is a Republican, but it is enormous. They have promised to do the prescription drug benefits. They have promised to build defense up. They have promised that education is important to them and they are going to do something about it. Promise after promise after promise. You cannot do it all and get there. They have promised to help make Social Security safe for the next 60 years. You cannot do all of these all at once and offer the type of tax cut that they want to do. But politically, they think that you are going to believe all of that. So the reality is what do we choose to do? Let us bring down the debt. Let us give some tax cuts. Let us invest. And let us reward people for doing that. And let us make sure that our veterans are taken care of, that some schools are built for our children, and that we invest in education for our kids. I think that the Blue Dog budget reflects those priorities.

Mr. MINGE. I would like to thank the gentlewoman from California. I see that we have been joined by another colleague from Texas. We have so many Texans here we cannot keep them all straight. They are a fairly tight, frugal bunch. They have a lot of good advice for us here in our country. I yield to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. I thank the gentleman from Minnesota for yielding, and I am honored to be a part.

Mr. Speaker, I like others here rise to support the use of a portion of our surplus to pay down on our national debt. We have got a golden opportunity in front of us. For the first time in 30 years we have a budget surplus. During most of my tenure here, the great budget challenge has been to get control of the deficit. In the last 2 years, the landscape has completely changed. We are now focused on what to do with the surplus. That is a very good feeling. I am thrilled that the term surplus has entered our vocabulary up here. Now comes the hard part. Everyone has an idea as to the best way to use this surplus, tax cuts, new government programs, protecting the solvency of Social Security and Medicare and paying down the national debt.

As a Member of the Blue Dog coalition, I think the gentleman from Texas (Mr. STENHOLM) and the gentleman from Minnesota (Mr. MINGE) are members of that coalition, we have advocated using half of the on-budget surplus for debt reduction, a fourth for shoring up Social Security, Medicare, education and our national infrastructure and the last fourth or parts of it for tax cuts. That can be eased around and changed some, if it takes more for Social Security, Medicare, Medicaid,

infrastructure, national defense, whatever we see that is a necessity, that we can move that fourth from one to the other. But I think what I am hammering hard on is paying at least half of it on the debt. By applying the framework, this framework to the budget, we are told that we can pay off the national debt by the year 2012. It would retire over 30 percent of the debt in 5 years. I think that is just amazing. Many of us can see 5 years down the road. I think this is the most sound way to both plan for the future and reap both short and long-term rewards from the growing surplus. As anyone outside the Beltway knows, when you have some extra money, it is important to pay off your debts. This is a simple idea that many Americans practice whenever they can. We should learn from them and do the same thing here in Washington.

The benefits of paying down the debt are enormous and long lasting. One of the most important is the more we lower the national debt, the less we will have to pay in interest on that debt. As of 5 p.m. this afternoon, this very day, our national debt was approximately $5.75 trillion. During FY 1999 we paid $229 billion, Mr. Speaker, in interest on this debt. To put that number in perspective, during the same year we spent $275.5 billion on national defense. That is only $46 billion more than our interest payment. Our interest payment is estimated to go down to $220 billion in our current budget year because we are paying off a small portion of the debt. It certainly affects it. This is a portion of our Federal budget that we cannot reduce by any other means other than paying down on the national debt. Imagine how we can reduce that number if we really dedicate ourselves to it. This is money that would be available for tax cuts, many of which I support, assistance of senior citizens and other efforts to maintain our economic growth and improve the future for our children and for our grandchildren. Tomorrow, Mr. Speaker, we will vote on a framework for the coming year's budget. As we look at the surpluses from anywhere from $200 billion to $637 billion over the next 5 years, the most responsible thing we can do is dedicate half of it to paying down on the debt.

Mr. MINGE. I would like to thank my colleague from Texas for that comment. I would like to just emphasize for the benefit of all of our colleagues that we have heard from people from the Midwest, from the northern part of the country, we have heard from people from the southern part of the country, from the East Coast, from the West Coast. All areas have spoken out here this evening from within our ranks and said that the first goal has got to be to pay down on this enormous debt that we have, over $20,000 for each man, woman and child. If you hear anyone on the other side of the aisle claim that this is not what is happening, that the publicly held debt is going to be smaller, do not be beguiled by that. What is truly happening is they are hiding behind the Social Security trust fund and they are assuming that we do not have to prepay whatever the Social Security trust fund buys in terms of government bonds. That is just as much debt as any other debt that we have. Ask why is it under the Republican budget that we have to raise the debt ceiling, go up to $5.9 trillion? If we are reducing the debt, we should not be increasing the debt ceiling. I sit on the Committee on the Budget. I am embarrassed that that committee has reported out a proposal, the Republican proposal, which in a time of surpluses requires a higher debt ceiling than we have ever had before in this country. This is fiscal irresponsibility of the greatest order. You can tell from these charts, if what has been promised by the Republicans on the Committee on the Budget is going to occur, the path is towards a larger debt for this country, a greater burden for our children and our grandchildren. This does not make sense. This is fiscal irresponsibility. We have alternative budgets which will be presented tomorrow coming from the Democratic Caucus, from the Blue Dog group. They will respectively propose reducing our Nation's debt in a realistic fashion. It is not just by hiding behind the Social Security trust fund, it is by doing the heavy lifting and denying ourselves some of the dessert that we would like to be able to have and a promise on the eve of an election. I think that political strength and integrity depends upon saying to our constituents, there are certain things that are high national priorities and at the top of the list is dealing responsibly with our Nation's debt and using our surplus to reduce it; secondly, to recognize that tax simplification and tax fairness requires some modest adjustments; and, third, that we have some priority programs. This evening, my colleagues have discussed what these programs are. Veterans, certain defense investments, education, agriculture, health care. These are top priorities that we have as a country. We have to fit it all together. We would like to be able to do all things for all people. I would like to be in a situation where I did not have to pay any tax at all. But we know that we are not going to be able to sustain our country and deal responsibly with the affairs of state unless we address not only priorities but also the debt burden that we are leaving to the next generation.

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REPUBLICAN BUDGET PROPOSAL

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. CHAMBLISS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CHAMBLISS. Mr. Speaker, it is a real privilege to be here tonight to talk to my colleagues as well as people all across America about what is going to happen in this Chamber tomorrow. This is going to be another in a series of very important budgets to be presented here tomorrow that once again we will have the opportunity in this Chamber to show the American people that we are serious about fiscal responsibility. Because tomorrow we are once again going to have a budget that achieves balance. We are not going to spend more money than we take in.

□ 2045

In fact, we are going to take in more money than we are going to spend.

We have heard a lot of conversation here tonight about a surplus. Well, that surplus means that we have more money on hand than what we are going to spend, but really, when there is a $5.5 trillion debt that this country owes we do not really have a real surplus. We only have a surplus when we finally get to the day when we pay that debt off.

We are going to talk about that tonight and we are going to talk even more about it tomorrow.

I do want to take just a minute to commend my colleagues on the other side of the aisle who for the last hour have been talking about their budget. The Blue Dogs are a group of conservatives on that side who do come forward with a lot of good ideas from time to time. In fact, that group votes with the conservative majority in this House on a number of occasions. The problem is that there are only 20 or 25 or 30 of those folks on that side, somewhere around 10 percent of the total number of people on the Democratic side of the aisle, and they are simply not going to carry the day on that side of the aisle.

If they were, if their philosophy were the philosophy that would be adopted by that side of the aisle, perhaps they would still be in power over here.

The American public saw through this in 1994, sent a new majority to Congress who promised to be fiscally conservative and responsible to the American people and tomorrow we are once again going to be fiscally responsible.

Their budget is not a totally bad budget because it does several things that I like. It does address paying down the debt. It does address providing tax relief to hard-working Americans and at the same time provides an increase in funding for very valuable programs, some of which, again, we are going to talk about tonight.

So I look forward to debating with those folks tomorrow and to having a conversation with them about their ideas and giving us an opportunity to explain why our ideas are better.

Tomorrow is going to be another very important day in the history of the House of Representatives because for the last 6 years we have had a chairman of the House Committee on the Budget, the gentleman from the great State of Ohio (Mr. KASICH).

The gentleman from Ohio (Mr. KASICH) is not running for reelection. He is retiring from the House so tomorrow will be the last budget that he presents on the floor of this House. The gentleman from Ohio (Mr. KASICH) is the author of the balanced budget of 1997. He is the author of the balanced budget of 1996 and 1995 and each year subsequent to 1997, but 1997 is the critical year because that is the year that we actually did achieve a balanced budget in this House and we struck an agreement with the President that has moved this country forward into this era of having excess cashflow on hand.

Tomorrow we are going to pass another balanced budget in the era of the gentleman from Ohio (Mr. KASICH), and that balanced budget that we pass tomorrow is going to provide six critical things to the American people.

First of all, we are going to protect 100 percent of the Social Security surplus. Now what that means is that we are going to take every dime that the American people pay in Social Security taxes and we are going to put it away to make sure that every single penny of that money is used for exactly what it is designed to be used for, and that is for Social Security benefits.

The other side over here talks a lot about, we have to do this and that with this so-called surplus that they refer to, but the ironic thing is they were in control of this House prior to 1995 for 42 years. During that 42 years, we became mired in debt to the tune of almost $5 trillion. During that 42 years, we spent Social Security money year in and year out to pay our bills. We did not set aside that money for what it was designed to be used for, and that is to pay Social Security benefits.

Tomorrow we are once again going to dedicate all of the Social Security taxes that are sent to Washington for exactly what it is designed to be used for, and that is to pay Social Security benefits.

This chart that we have up here right now illustrates exactly what I just said. It starts back in 1985 and shows how much money we used on an annual basis, and I say we, how much money Congress used to pay our bills every month that came out of the Social Security trust fund. Here it is. We reached a high of in excess of $80 billion. It started out in 1985 at somewhere around $10 billion, but look over on the end and look what happened in 1999, after the new majority came in and put its balanced budget in place.

What have we done with Social Security taxes? We have started spending zero of the Social Security tax monies for anything other than Social Security benefits. 1999 and this year again we will take all of the Social Security tax money, we will put it into a real Social Security trust fund and we will use it for nothing other than to pay Social Security benefits.

The next thing that we are going to do as a part of this budget is that we are going to strengthen Medicare, including a prescription drug benefit that is going to be made available to senior citizens. We have set aside $40 billion in our budget for prescription drugs.

We do not write that prescription drug program. The committees of jurisdiction will be working on that, and they are going to be able to draft a prescription drug program that will be of benefit to our senior citizens for years to come. The $40 billion is going to be provided for over a 5-year period.

We are going to retire the public debt that has been talked about here for the last hour by the year 2013.

I have some other colleagues here who are going to talk a little more specifically about that.

The gentleman from Minnesota (Mr. MINGE), who is my good friend and I serve on the Committee on the Budget and the Committee on Agriculture with him, he is a very sincere individual and what he just told us was that under the Blue Dog budget, which is a much more fiscally conservative budget than what the Democrats will be proposing tomorrow, they are going to pay down $85 billion of the public debt over the next 5 years.

Under our budget, over the next 5 years, we are going to pay down $1 trillion of the public debt, $1 trillion.

The next thing we are going to do is we are going to promote tax fairness for families, farmers and seniors. We have been passing some tax reduction bills up here over the last month or so that are going to the heart of what America is all about. We are providing tax relief for married couples. We are providing tax relief for senior citizens, encouraging those senior citizens to stay in the workforce, make the valuable contribution which they are capable of making.

This budget is going to provide money that is going to allow additional tax fairness opportunities for farmers, families and seniors.

The next thing we are going to do is we are going to restore America's defense. Currently, our defense of this country, our national security, is in a terrible state. It is in a terrible state because we simply are having to fight every year up here with the White House over how much money we are going to be able to put into defense.

We are going to be providing tomorrow $17 billion more in defense spending over what we provided in last year's budget. That money is going to go into three primary areas. It is going to go in the area of readiness, going to go in the area of procurement and it is going to go in the area of quality of life so that we can continue, number one, to attract the very finest young men and women that this country has to offer into each branch of our services. We are going to equip them with the highest technology, from a weapons system perspective, that is available to mankind. Then again we are going to make sure that they are the best trained Army, Air Force, Marine Corps and Navy in the world.

The last thing that we are going to do is we are going to strengthen the support for education and science. There is no greater asset in this country than our children, but our children are only able to contribute based upon the level of education that they have. It is not as much the amount of money that is put into education. It is where it is put. Under our budget, we are going to put a little bit more money in there and we are going to allow flexibility in our education system to allow more money to go to the State and local level where the rubber meets the road and the people know what is needed to educate our children in a better manner than what they are being educated today.

At this time I would like to stop and I would like to recognize my friend, the gentleman from Connecticut (Mr. SHAYS), for any comments he might like to make, my fellow Member on the Committee on the Budget.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Georgia (Mr. CHAMBLISS) for yielding.

Mr. Speaker, I am not going to make a lot of comments because we have other Members who are going to go into specific detail, but I would like to make some general comments before that happens to say that when we started in 1995 to get our country's financial house in order, as the majority party, we were looking at deficits that were actually going to increase every year. In 1997, we began to develop a budget that ultimately turned our deficits into surpluses. We tried earlier but the President kept vetoing it. We finally had an agreement. We were moving closer towards eliminating those deficits but by 1998 that budget, for the first time since 1968, we had more money coming into the Federal Government than going out. Last year, in 1999, for the first year since 1960, we were not spending the Social Security reserves.

In the next 10 years, we estimate there is going to be $4 trillion of surplus revenues, $4 trillion. Two trillion of those dollars are being walled off for Social Security because that is what they are. We are going to set them off, and I know my colleague is going to talk about that. The exciting thing is that is going to be there for debt reduction. So we have $2 trillion left.

Basically, the President and too many of our colleagues on the other side of the aisle want to take that $2 trillion that is left and spend it.

What we know is we need to do more debt reduction and we know that we need to have a tax cut. People are going to be saying, well, a tax cut is only going to the wealthy. No, it is going to the people who pay taxes. The people who pay taxes are going to benefit from the tax cut.

Two years ago we attempted to have a tax cut that would be comprehensive and something that we clearly could afford, and it included a number of items. This year we separated them.

The first tax cut that we moved forward with was the marriage penalty tax, and the logic behind the marriage penalty tax was why should a couple that then gets married pay $1,400 more? That passed this Chamber by a fairly overwhelming majority, with a number of our colleagues on the other side of the aisle joining us.

The second tax cut that we moved forward with was the penalty tax on Social Security. Why should someone who has earned Social Security, who makes more than $17,000, for every three dollars lose a dollar in Social Security? Obviously they should not, and we brought forward this legislation that passed with a wide margin on both sides of the aisle after our colleagues on the other side of the aisle had criticized this proposal for years, and it passed by all the members of the Senate just recently.

So I would just like to conclude by saying over the last 6 years we have gotten our country's financial house in order. We have balanced the Federal budget. We are having surpluses. Now we are managing those surpluses. We are not spending any of the Social Security trust fund money. We have walled it off. We are paying back debt. We are going to have significant but meaningful tax cuts, and we are going to set aside in the next 5 years $200 billion for tax cuts. They will be targeted tax cuts that deal with fairness, enabling people to buy health insurance; enabling people to have retirement funds and set aside more money for their retirement; enabling people to not pay the penalty on the marriage when they get married; and enabling Social Security workers to continue to work.

With the details of many of our proposals, I would like to acknowledge the presence of my colleague from New Hampshire (Mr. SUNUNU), who has really been a leader in so much of this and really was there in the beginning when we started this process.

Mr. SUNUNU. Mr. Speaker, if the gentleman from Georgia (Mr. CHAMBLISS) would yield, I would say that while I appreciate the comments of the gentleman from Connecticut (Mr. SHAYS), I cannot say I was here at the beginning of this process because, as he pointed out, it really began in 1995 with the change in majority control of this body.

I think more than any other issue, Democrats lost control of Congress and Republicans took control of Congress on the fundamental commitment to change the way we look at this country's finances, to balance the Federal budget, to balance it in 7 years and to do it while cutting taxes. Critics at the time, the other side of the aisle at the time, said that is simply impossible; it cannot be done; it is a political gimmick; this is just a bunch of rhetoric.

The Republican majority demonstrated over the next 2 years that they were serious, they were committed to this goal no matter how difficult at times some of the choices may have appeared. They put forward a balanced budget. They put forward a balanced budget that even included tax relief. The President vetoed that program but the American people spoke loud and clear over the ensuring 2 years, resoundingly supporting the goal of balancing the budget and in 1996 we had a Democrat President agree with a Republican-controlled Congress that we should and could balance the budget, and we should and could do it while cutting taxes. That was really the beginning of an enormous change in the way this country does its books.

We passed the Balanced Budget Act in 1997 and we saw the first unified balanced budget in 1998, and even then the critics said, well, yes the budget has been balanced but Social Security is still being borrowed from.

□ 2100

And it was last year that, again, the Republicans lead on this issue by stating clearly and unequivocally we are going to balance the budget without using Social Security. And, again, the President said it cannot be done.

And here is an outline of exactly where the President was just 1 year ago; here is his budget. It sets aside 62 percent of the Social Security surplus, spent almost 40 percent of the Social Security Trust Fund surplus. The Republican budget, by contrast, said, no, Mr. President, that is wrong. We should set aside every penny of the Social Security surplus.

And in point of fact, there was another important turning point when, again, last year in the budget debate the President quite literally changed his mind. He agreed with the Republican Congress that we could and should set aside every penny of the Social Security Trust Fund surplus, and that lead to really another historic achievement, the Republican-lead Congress passing legislation that balanced the budget without using Social Security for the first time in 40 years.

Even during the budget debate last year, though, the critics still said no, it cannot be done. It will not happen. They said we were using certain projections; we were using estimates. The simple fact is, of course, we were and we are. We are putting together a budget that is trying to look forward 5 years. We are making estimates about revenue growth, estimates about how we will spend on Medicare and Social Security. We are trying to make the best possible projections.

We have estimated less than 3 percent economic growth. I think that is realistic. Obviously, only time will tell. If we continue on the path that we began, first in 1995, and again with this historic achievement last year, then the economy will be better, the American people will be better off, and better off for a few fundamental reasons.

My colleague from Georgia pointed out that we have begun not just balancing the budget without Social Security, we actually have begun paying down debt. This graph gives a very clear picture of how that process started, when it started, and where we are today. In 1998, paying back over $50 billion in the public debt; 1999, over $80 billion; and this current fiscal year, 2000, we will top $150 billion in debt repayment. Finally, with the budget we are working on now, we will take the 4-year total and a reduction in the public debt to over $450 billion.

This is what those on the other side of the aisle might call fiscally irresponsible, but I think it is not just a step in the right direction, it is the fundamentally correct fiscal policy for the country at this particular time. Because by paying down this debt, we are doing an enormous favor to working families all across the country.

We are helping to keep interest rates low. When interest rates are lower, the cost of a home mortgage is lower, the cost of a college loan or automobile loan is lower, working capital loan for a small business, all of those costs are lower. Over the life of a $100,000 home mortgage, that can mean $20,000 or $30,000 to a family, and that is money they do not have to send to Washington and hope that we return to them. It stays in their pocket. They can invest in their family's quality of life, their children's education or health care, or save it for a rainy day.

So we have begun the process of paying down debt. And with this Republican budget that we will be debating on the floor tomorrow, it will pay down over $170 billion in debt. Now, we could cut spending further and pay down a little bit more in debt, but that is, obviously, a difficult task, to a certain extent, when we have such a sharply divided House of Representatives. We could decide not to return any money to working families and try to pay down a little more debt, but at the same time, I think it is important that we remember where that money came from.

Moreover, I think we should pass tax relief, not because of a particular number, whether it is $4 billion or $8 billion or $10 billion, we should pass tax relief because it is the right thing to do. It is the right thing to eliminate the marriage penalty so a couple does not have to pay more in taxes just because they choose to get married.

It is the right thing to give individuals health insurance deductibility. And my colleagues will talk a little more about the tax relief provisions dealing with education or retirement security, getting rid of the Social Security earnings limit. It is not a question of whether or not we have the exact right-on budget surplus, or some technical lingo to justify giving American taxpayers back their own money, it is a question of whether or not it is the right thing to do. And I fundamentally believe it is.

Who would have believed back in 1995 that we would be paying down this much debt? Who would have believed

back in 1995 that we would have set in motion a path not just to continue to retire debt but to pay off the entire national debt in 2013? Over the next 5 years, we are going to pay off over a trillion dollars in public debt, and, again, pay off the entire $3.6 trillion public debt by 2013.

Now, someone could say, well, how do we know it will be 2013? Granted, this is a projection based on the budget we are putting together that looks forward 5 years, but it is realistic. It is based on an average level of economic growth that we have seen over the past 5 or 10 years.

It is based on the spending projections that we have tried to put together over the next 5 years that invest in things like the national security, increase funding for Veterans health care and the National Institutes of Health as well.

I think it is realistic, but whether or not we pay off the debt by 2013 or 2012 or 2015, I think what is most important is that we have the public debt being reduced. It is headed in the right direction. I view it like a home mortgage. You certainly do not try to pay off your home mortgage in one fell swoop simply because you might have a Christmas bonus or get a raise at work, but what you do is make every effort to achieve a constant payment against that home mortgage so you are reducing the size of the mortgage, increasing the equity and the home that you might own and, obviously, keeping your fiscal house in order so that your family, your children, might feel more and more secure at home. I think that is fiscally responsible.

This is something we are able to achieve with historic tax relief in this budget. I think it is something that we can be proud of, which is exactly why this budget will pass this House and pass the Senate and set us on the right path for the fiscal year.

I would like to yield back to the gentleman.

Mr. CHAMBLISS. Mr. Speaker, while the gentleman is speaking about paying down the public debt, the gentleman might just remind the American people what we have done over the last 3 years, or what we are doing, including this year, with respect to paying down the public debt.

Mr. SUNUNU. Mr. Speaker, in 1998, when we balanced the unified budget for the first time, we paid off over $50 billion in debt. In 1999, we took that to over $80 billion in debt retirement. This year, fiscal year 2000, over $150 billion. The 4-year total, including the budget we are going to be debating on the Floor here tomorrow, is over $450 billion in debt relief.

The budget that we will have on the floor, which covers the years 2001 through 2005, will have over $1 trillion in debt relief, even taking into consideration the $40 billion that we have set aside for Medicare reforms and prescription drug coverage, even taking into consideration the elimination of the marriage penalty, the health insurance deductibility for individuals, the small business tax relief package that has already passed this House. Taking into consideration all of those measures, we are going to pay down over a trillion dollars in debt in the next 5 years.

Mr. CHAMBLISS. Mr. Speaker, I yield now to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's comments on reducing the public debt. I am a new Member of Congress. When I ran for Congress last year, I asked people what they wanted to see Congress do above all else? They said balance the budget, pay off our debt and stop raiding the Social Security Trust Fund.

For many years, this institution has been taking money out of the Social Security Trust Fund and spending it on other government programs. Both parties can be to blame for this. Over the last 30 years, we have taken over $800 billion out of Social Security to spend in other government programs that have nothing to do with Social Security.

When you are working hard, paycheck to paycheck, seeing those FICA taxes coming out of your paycheck, just remember for the last 30 years a lot of that money has been going to spend on other things other than Medicare and Social Security. For the first time in 30 years, last year, this Congress actually stopped the raid on Social Security.

One thing that I want to talk about is the fact that, and as my colleague from New Hampshire pointed out, Congress has been doing this for so long. Last year, 1999, that was the first year that Congress actually passed a budget that did not take any money out of Social Security and they put that money back into Social Security and into paying off our national debt.

This year, Congress has stopped the raid on Social Security. It is putting that money back into the Social Security Trust Fund and paying off the national debt with that money. What we will be trying to achieve with this new budget that we are passing are four key objectives:

First, continue to stop the raid on the Social Security Trust Fund.

Second, pay down our national debt.

Third, modernize our Medicare programs so that Medicare, which is a law written in 1965, actually corresponds with the year 2000 health care. Where I come from, in the State of Wisconsin, we can do a lot better in Medicare. Some States get great Medicare rates, and I am happy for those States, but not all states, and especially Wisconsin. So we are going to fix the problems we have with Medicare.

Fourth, if people are still overpaying their taxes, give them their money back.

What we are going to be hearing tomorrow on the floor as we debate these budgets is basically a key debate over these priorities. I think it goes very much to the point of a difference in philosophy that exists between the two parties and between the budget objectives we are going to be hearing debated tomorrow.

I think the philosophy was really portrayed quite well by President Clinton a year ago when he was addressing an audience in Buffalo, New York. Last year, there was about 35,000 people he was speaking to in Buffalo, New York. He said, with respect to all of the government surpluses, which are people overpaying their income taxes and people overpaying their Social Security taxes, he said, and I quote, ''We could give you your money back, but we wouldn't be sure that you would spend it right.''

Well, therein lies the difference in philosophy. Your money is spent correctly so long as we decide how to spend it. That is the difference in philosophy we have. The President last year gave us a budget that said, let us continue raiding Social Security, as this chart next to me says, let us take 38 percent out of the Social Security Trust Fund to spend on the creation of 120 brand new Federal government programs. There is not enough money coming into Washington that we can ever send money back to the people.

We countered with a different proposal, we said, for once, we have to stop raiding the Social Security Trust Fund and put 100 percent of the Social Security surplus back into Social Security. We have got to get a handle on paying off our national debt. We have been doing that, $450 billion over the last 4 years under this new majority's leadership. We have been paying off on the national debt.

If people are still overpaying their taxes, after we have stopped the raid on Social Security, after we have our debt going down to where, if our plan is enacted, we will pay off the public debt entirely within 12 years, as fast as we can do it, and if people are still overpaying their taxes, give them their money back by making the Tax Code simpler, by making the Tax Code fairer.

How are we trying to accomplish this? After stopping the raid on Social Security, after paying off our public debt, we are eliminating the Marriage Tax Penalty; we are eliminating the tax on the earnings limit for Social Security; we are making the Tax Code fairer. We are trying to tell working Americans that their work will pay off; that when they work more and they provide more for their family and they overpay their taxes, we will want them to keep some of their own money.

We want them to have more of their own paycheck, because there is a limit to how much Washington will take out of their paycheck. That is a clear philosophical difference between the President's vision and the congressional majority's vision. Nowhere can this be more clear than taking a look at the

family's budget, taking a look at how much money the government has been taking out of their paycheck.

For years, we have been raiding the Social Security Trust Fund. For years, we have been piling on the mountain of debt that is facing our children. Now, we are finally getting a handle on these core challenges, giving families more of their own money after they overpay their taxes, paying off our national debt, completely paying off our public debt in 12 years. And for once, if an individual pays their Social Security taxes, it is actually going to go to Social Security and not to other government programs.

There is another issue I want to talk about, and I know the gentleman from Kentucky (Mr. FLETCHER) is going to be joining us shortly on this, and that is Medicare.

□ 2115

The President has proposed some changes to Medicare lately, and I think those are worth talking about. This budget we are going to be talking about tomorrow proposes some changes to Medicare as well. There are big differences between what the President is proposing in Medicare and what this Congress is proposing in Medicare.

If my colleagues recall, last November we passed a Medicare bill which put $15 billion back into the Medicare trust fund, back into the Medicare network, because we noticed, after countless town hall meetings, after countless tours of the hospitals, of the skilled nursing facilities, of the home health agencies, we noticed that Medicare was suffering and we had to fix some problems in the Medicare network. So we put $15 billion back into the Medicare situation to help those States that were hit the hardest, States like Kentucky, States like Georgia, States like Wisconsin.

Well, this year the President, who signed that law in November said, sorry, let us cut that money back out. Let us actually cut Medicare by $16 billion this year to the same accounts, to the same people: the skilled nursing facilities, the home health agencies, the hospitals, the Medicare patients and the Medicare Plus Choice plan itself; the same people we just helped in November he wants to cut right now. On top of that, the President has a prescription drug plan, a prescription drug plan which does not means test, which pays for Ross Perot's prescription drugs and a prescription drug plan which puts the government at the nucleus of the pharmaceutical industries. Basically, the Federal Government telling doctors what they can and cannot prescribe to their patients.

Well, I hope that my family, my mother, my stepfather who are on Medicare right now, if they are in trouble, if they have some health problems on Medicare, I want to make sure that their doctor has the freedom to prescribe whatever he or she thinks is best for them, not what a government bureaucrat says is best for them.

So as we reform Medicare, as we are proposing to do with this budget, we must reform it by making sure that the doctor has the choice of what to prescribe to our parents, what to prescribe to our Medicare patients. We have to make sure that when we add prescription drugs to Medicare, we do it in a way that makes sure that we do not eliminate all of the research and development that is currently being invested in our pharmaceutical industries; make sure that the doctor chooses the drugs, make sure that the centerpiece of our Medicare universe is the patient, not the government.

Well, the President has a different vision: cut Medicare further, raise taxes, raise premiums on beneficiaries, and have a prescription drug plan which does not take care of catastrophic problems and gives drugs to everyone, regardless of one's income, whether one is a multimillionaire or a billionaire.

Now, these are just different principles, different philosophies. But the budget that we are trying to pass tomorrow is the vision we have for the country, which is to take care and address the challenges we have facing us; namely, a national debt that we have to deal with. We have, for the last 4 years, begun to pay that off; $450 billion, as my colleague from New Hampshire just mentioned. Tomorrow we are going to bring a budget to the floor that makes that look like small potatoes. We are going to bring a budget to the floor that over the next 5 years pays $1 trillion off of our national debt. Tomorrow, we are going to bring a budget to the floor that completely stops the raid on Social Security, that calls for the passage of legislation which I am actually a coauthor of, Social Security lockbox legislation which says no longer, never again can the Congress and the President go back to the days of raiding the Social Security Trust Fund.

We believe that we have to say that there is an end to the days of raiding Social Security, so we are going to back it up with a law that prohibits the Federal Government from going back and dipping into that Social Security Trust Fund. Then, if one continues to overpay one's taxes, as people are going to be doing, as we see this money coming into Washington, because the President wants to create new government spending programs. Specifically, in this year's budget, he called for creating over 80 new Federal Government spending programs from income tax overpayments. We are saying no to that, yes to paying off debt, yes to stopping the raid on Social Security, and yes to letting people keep their money if they still overpay their taxes by making our Tax Code much fairer, much more simpler.

With that, I would like to have a dialogue with my friend, the gentleman from Kentucky (Mr. FLETCHER). I know he has been such a champion on health care issues. I appreciate the gentleman's participation in this debate. He has done so much on the Committee on the Budget for Medicare. I applaud him for the measurements he has passed, for the leadership and insight he has given us on Medicare. I know the gentleman wants to talk about the Medicare reforms.

Mr. FLETCHER. Madam Speaker, I think the gentleman has covered a lot of these areas very well.

It is my understanding, and I would ask the gentleman, but if we took how much the President spends over the next 5 years really on his prescription drug plan and Medicare, it is only about $28 million, and how does that compare to what we are doing in this budget?

Mr. RYAN of Wisconsin. Madam Speaker, if we look at the President's budget, he is saying let us spend $28 billion in Medicare for prescription drugs, but that is only over 2 years. In the year 2003, in the year 2004 and in the year 2005, he spends zero money on Medicare.

Mr. FLETCHER. Madam Speaker, the gentleman means he has no benefits for anyone over the next several years?

Mr. RYAN of Wisconsin. Madam Speaker, that is right; $28 billion over the next 3 years and then zero after that.

What our budget does is spend $40 billion of hard cash, $40 billion over the next 5 years, for prescription drugs for Medicare and for reforms for the Medicare system itself.

Mr. FLETCHER. Madam Speaker, I think what the gentleman points out is very true. The President cut Medicare or proposed to cut Medicare by $16 billion. What I am seeing as I travel across my district, as I have held a number of town hall meetings, is that right now we have hospitals that are operating in the red, rural hospitals that provide that local care that is needed, to where if there is an emergency, a stroke, for example, it is very important to get there immediately, yet we have rural hospitals that possibly will have to close because of the cuts that this administration has already done through HCFA and these further cuts that they are talking about.

Then the President is also talking about raising taxes and fees, and some of those fees are to some of these providers. I read recently and what we hear is that now some of the providers and physicians are beginning to drop out of Medicare and they are beginning to drop out of Medicare because of the cuts, as well as the administrative difficulties of dealing with this administration have become so complex that they are saying we can no longer provide the care. What is this going to do for our senior citizens? When we start operating a hospital or nursing home, a long-term care facility and we really have to cut back on the number of nurses that we have that are caring for those patients, it is going to have a tremendous impact on the health care

and the quality of health care that we can provide for our senior citizens.

I think it is very important to point out that as I was out traveling across the district, we compared the President's prescription drug plans with a plan that focuses on those that are the most needy. Now, this $40 billion that we have set aside would really allow us to focus on a prescription drug plan that really addresses those that are in need without, as the gentleman has said, providing benefits for the Ross Perots of the world that really do not need this benefit.

Madam Speaker, can my colleagues imagine having a school teacher or a brick layer paying taxes so that they can buy drug benefits for Ross Perot. That makes no sense at all. Yet, I have had patients that have come into my office and they have not been able to afford their prescription drugs because they are living on maybe just Social Security, maybe $600 or $700 a month, and they have a $30 to $100 prescription drug bill a month, and how are they going to pay for that. It is a difference between am I going to buy food and clothing or am I going to buy this prescription drug. Oftentimes they do not buy the prescription drug. Their hypertension goes untreated or their heart disease goes untreated and they have complications that they really did not have to have, so that our families and our senior citizens suffer because of that.

So we have proposed, let us set aside this $40 billion, and this money starts immediately. It does not start down the road. Also, as we look at the President's plan, the cost escalates tremendously. He projects it as only $28 billion over the next 5 years and the reason is because he does not give any benefit for the last couple of years. But then, if we look at the projections to his costs, they rise tremendously because he is covering those very wealthy or those folks that do not need it.

Yet, if we target it toward those in need and then we look at those that have high costs, those that have very high-cost medications that cannot afford it and if we have it targeted toward those truly in need, then I think we have a benefit that does not wreck Medicare and it is something that is fiscally responsible, and it also targets the people that need it the most.

I am very encouraged by what we have done, and I think that it really has taken the Republican Congress to focus, and to first get our House in order to make sure that we balance the budget, that we have this surplus that we can pay down the debt so that we eliminate the debt, the publicly-held debt that we are leaving to our children, and now we can start working and providing the kind of health care benefits that are needed in this country.

Madam Speaker, I would like to talk a little bit too about when we are talking about health care and what we have done, we have to get back to basic research, because I think it is very important to look, and we can see here on this chart that deals with NIH funding. If we look at this, actually, over the last 5 years, there was a real effort made when the Republicans took control of this Congress to say, we are going to try to double the funding on basic research, National Institutes of Health research. What we see is that we have continually funded NIH, science, basic research, well above what this administration and the Clinton-Gore and Democrats have proposed.

Mr. RYAN of Wisconsin. Madam Speaker, did the gentleman just say that the Republican Congress has actually put more of a commitment toward basic health research than the President's administration has?

Mr. FLETCHER. Madam Speaker, there is no question. This chart I think really shows that clearly. This blue line represents what the Republicans have put in compared to what the administration, the Democrats want to, and we can see that every year it is more. Now, this year, finally, we have convinced the administration to come up with the same level, but we have increased the funding this year by $1 billion to basic research.

Mr. RYAN of Wisconsin. Madam Speaker, I know the gentleman is a physician. Could the gentleman just explain what kind of things we are funding with this kind of basic research? What kinds of diseases are we attempting to cure? What kinds of institutions is this money going toward?

Mr. FLETCHER. Madam Speaker, I am glad the gentleman asked that, because when we look at the quality health care we have in this country, it really derives from our basic research. A number of years ago, and the gentleman may remember back when JFK said he wanted to put a man on the moon and had a goal of doing that. Well, we have many diseases that NIH is funding and diseases like the gentleman has mentioned, like cancer. There are several cancers that we really have cures for now, but there are many that we do not, and this increased funding will go toward finding cures for the different types of cancer that we have. If anyone has been affected by that in the family, they know what a tragedy it is to have someone struck down in the prime of their life or even in their later years with cancer and how devastating that disease can be. I will tell the gentleman, there is probably not any greater impact that we could have in this country than to find a cure for those diseases. This is exactly where it will come from, as we begin to fund more basic research to find the causes of cancer and the cures.

There are other things like disease which is obviously very important. Madam Speaker, 24 percent of our Medicare budget goes toward treating diabetes and the complications of diabetes. It is one of the largest reasons for kidney failure in the country. It is one of the largest reasons that we have in blindness. I think we are close. I do not know how far away, but we are close because of the funding we have of being able to find some real breakthroughs in diabetes. But we continue to raise the funding for diabetes and Alzheimer's disease. How many people have seen the tragedy of that. We think of even Ronald Reagan and the tragedy that Alzheimer's has caused in our country.

So these are the kinds of programs that it funds. When we look at the consequence and the benefits, how much we will get a return on this investment, how much more we have put in than the Democrats, then we really understand the difference in priorities that we have.

Mr. RYAN of Wisconsin. Madam Speaker, if the gentleman will yield, I think he just hit the nail right on the head, and that is priorities.

It is very important that people who look at these budgets see that it is a series of priorities, what we are trying to achieve in this budget. We hear all the time: I did not think the Republicans ever wanted to put more money into government programs than the Democrats. We hear that kind of thing all the time. It is all about priorities. The priorities we believe so fundamentally in is the proper role of the Federal Government, and one of the most important and proper roles of the Federal Government is in the funding of basic research, basic research to improve the health and welfare of our people.

One of the things that we have to tackle is all of these diseases that are plaguing our society. Heart disease is something that affects my own family. My father passed away by a heart attack, so did my grandfather. Personally I very much would like to see a breakthrough in heart disease research. Cancer is something that has hit our families. I know it has for so many people. We are getting close to breakthroughs in cancer research. These are important things the Federal Government can do to improve the lives of millions of Americans. Alzheimer's, all of these things are hard commitments that the Republican Party has made. More importantly, it is not about Republicans or Democrats, it is about doing what is right.

The budget that we are bringing to the floor tomorrow is a continuation on the priorities that we have established here in Congress with these budgets: funding basic research to try and find breakthrough cures for cancer, Alzheimer's, heart disease, diabetes, stopping the raid on the Social Security Trust Fund so that when one pays their Social Security taxes, it actually goes back to Social Security.

□ 2130

We have priorities such as fixing our Medicare program, making sure that Medicare is corresponding with the year 2000 medicine, paying off our national debt, paying off our public debt

in 12 years' time, a trillion dollars over the next 5 years.

If people still overpay their taxes after we reach these priorities, we are going to give them their money back by making the Tax Code fairer and simpler. That is basically the priorities that we are seeking to establish with this budget.

The President has vastly different priorities: raiding Social Security, increasing debt, less of a commitment to health research, and new Federal Government programs, 80 new programs this year alone that he is calling for.

Mr. FLETCHER. Madam Speaker, if the gentleman from Georgia will yield, let me say in conclusion that this increase in funding that is going to have a tremendous impact on finding breakthroughs and cures, as the gentleman said, only came about because we looked back a number of years; and we had deficits in the $200 billion range. Now we are going to be paying off $170 billion of the publicly held debt this next year.

But the only reason we can put and continue to put money in basic research is because of the fact that we have not started all the new programs that the President asked for, that he wanted to spend more money on more programs and bigger government.

We have restrained the growth of government. But we have emphasized those priorities that are very important. We are doing a better job of doing what government is supposed to do and not spending money and wasting it on a lot of programs that have been proven to be ineffective.

So I am very encouraged that we are spending it in Medicare and targeted prescription drugs where it is needed, basic research, and that we are still able to pay down the debt, provide some tax fairness and relief.

I think we have got an outstanding budget. I do hope my colleagues on the other side will find their way to support this budget.

Mr. CHAMBLISS. Madam Speaker, as we wind down on our time here, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Kentucky (Mr. FLETCHER) is like me, they come from an area that is rich in agriculture.

There is one thing in this budget that I want to make sure we point out to all our friends in ag country. Ever since I have been here, for the last 6 years, one of my passions has been to try to reform our crop insurance program. We know, coming from ag country, that the current crop insurance program we have is a disaster.

Well, last year in this House, we passed a historic crop insurance reform package. I am told that tomorrow the Senate takes up their crop insurance reform package, and we are going to be going to conference very quickly.

The really good thing about this budget is that last year we put some $6 billion into our budget for crop insurance reform. This year, over the next 5 years, we plussed that up to $7.4 billion.

So we are going to be able to provide our farmers with a real risk management tool that is going to take the decision out of the hands of the government when it comes to crop insurance and put that decision into our farmers' hands finally and will allow our folks to manage their own crop insurance and give them the flexibility of deciding what they are going to insure and how they are going to insure it, the same way they insure their car and their home. There is going to be one more tremendous asset that we are going to be able to deliver to our farmers.

I am excited about this budget. It does any number of things that are going to benefit every single American. We are going to provide real meaningful tax relief. We are going to continue to save and protect Social Security and Medicare. We are going to continue to provide research dollars to improve the health care of every single American. We are going to improve the national security of this country.

This is the commitment that Republicans have made to the American people. Once again, we are going to live up to the commitment that we have continued to make.

Madam Speaker, the gentleman from South Dakota (Mr. THUNE) has joined us here. I am happy to yield to the gentleman from South Dakota.

Mr. THUNE. Madam Speaker, the gentleman from Georgia (Mr. CHAMBLISS) shares the same concerns I have and is very instrumental in trying to achieve some meaningful reform in the area of crop insurance.

I just want to say, too, and echo some of the things my colleagues have said here this evening in terms of this budget and what it accomplishes and the statements that it makes as far as what our priorities are and the people that we want to try and help.

I think, again, this makes a strong statement that we are going to support our producers in this country. The dollars that have been put in here for crop insurance, the dollars that are set aside for emergency assistance again this year is an important statement I think to our farmers and ranchers across this country and many of whom were in town here earlier this week to talk about the plight of rural America.

The gentleman from Kentucky (Mr. FLETCHER), the good doctor, also well acquainted with the health care and the issues that affect a lot of our rural hospitals and the changes that are being proposed in the area of Medicare reform have been significant in terms of the last few years and what we have been able to accomplish and what we did last year in assisting rural hospitals and home health care agencies and skilled nursing facilities and others, trying to restore some of the savings that have been achieved as a result of the balanced budget agreement of a couple of years ago.

But in my area of the country, in rural areas of the country, we have not participated to the same extent in this great economy that we have had the last few years. Rural areas are suffering, our farmers and our ranchers, our seniors, the populations that predominate where I come from, the State of South Dakota.

This is a budget which recognizes those needs which attempts to address the concerns that our constituents have in the area of prescription drugs, which is a pocketbook issue. It strikes very hard. We want to make sure that those low-income seniors who do not have some form of coverage, that we craft something as a percent of this budget process that will address that need that is out there.

Paying down the debt. What is more important to the future of our children? Also, the commitment that we make in the area of education.

If we look at this budget and what it accomplishes, the priorities that it sets, farmers, seniors, our children, our military, restoring and strengthening America's defenses, paying down public debt, dealing with the issue of prescription drugs, locking up the Social Security surplus, there are so many positives in this budget.

This is going to be a tough vote tomorrow because our friends on the other side who are more interested in adopting the President's budget, which included higher taxes, more government programs, 84 new programs, and 200 billion plus in new fees and taxes, is a very different approach. It is a statement of their priorities.

This budget that we vote on tomorrow and hopefully adopt is a statement of our priorities. It talks about the things that we think are important. We do believe in America's families. We have got to do better by our children in the area of education as well as ensuring that they are not saddled with a burden of debt that has been piled on by generations of poor spending habits here in Washington.

So I appreciate the work that has been done in the Committee on Budget, the gentleman from Georgia (Mr. CHAMBLISS), the hard work that has been done in the area of crop insurance to ensure that we have funding in there for our farmers and our ranchers for obviously the very difficult times they have had in the last several years with low prices and weather-related disasters. I certainly, in my part of the country, know firsthand what that is like.

This is a budget which addresses those needs, which I think is a statement, a reflection, frankly, of our priorities and where we think we ought to be moving and from a public policy standpoint in the future.

So I appreciate the hard work of the gentleman from Kentucky (Mr. FLETCHER) as well and the expertise that he brings in the area of health care in helping us craft policies that make sense for a Medicare program that serves the populations that need it, and that is responsible to taxpayers,

that makes those needed reforms to make it viable into the future, and addresses that much needed concern out there, an issue, again, which is very important in South Dakota and I am sure in the gentlemen's districts as well, dealing with prescription drugs and what we might be able to do.

Mr. CHAMBLISS. Madam Speaker, I thank the gentleman from South Dakota (Mr. THUNE) for his comments and his strong leadership, particularly in the area of agriculture where we work so closely together.

Madam Speaker, I yield to the gentleman from Kentucky (Mr. FLETCHER) to wrap it up. I know he has a couple points he wants to close with.

Mr. FLETCHER. Madam Speaker, this budget, as we have heard and been able to speak about tonight I think is really the work, and I have to give the gentleman from Ohio (Chairman KASICH) certainly a lot of credit for all the work he has done to work and even get an agreement with the Senate. We begin to work with an agreement with them. It is the culmination of that to making sure we save 100 percent of the Social Security, that we strengthen Medicare, that we set aside $40 billion.

Because we believe that, now that we have saved the money, the taxpayers' money, that we have actually the revenue now to strengthen Medicare and to improve it with the Medicare prescription drugs we talked about, pay down the debt by 2013, promote taxes that are fair, and restore American defense and education.

We have passed several bills that have given back more local control, give 95 percent of the dollars back in the classroom, increase our funding for IDEA, those individuals with disability, continue to provide more resources back to the classroom with local flexibility and control.

Lastly, and I appreciate the opportunity to close, is that I sat here 2 years ago and listened to the President's speech, and he talked about family farms. He talked about wanting to support the family farms. I tell my colleagues our farmers are really hurting back in Kentucky. I know that the gentleman from South Dakota (Mr. THUNE) mentioned that.

We have got a problem. We have had it. The administration, the Clinton-Gore administration has certainly come after our burly growers. I understand why they have done that. We all are concerned about smoking and the health care interest of our youth. But they have provided absolutely no relief for our farmers back home. We have seen a 65 percent reduction in their incomes.

I am glad, with the gentleman from Georgia (Mr. CHAMBLISS) here, that we were able to put the $7 billion or so, $6 billion last year, that we can certainly increase crop insurance, that we have been able to, even with some supplemental payments, we were able to bring back $125 million this year back to Kentucky alone to help our farmers.

As we look at this budget, I think it covers the full gamut. I think we have got an outstanding budget. I am just very happy and pleased to join my colleagues to say that this can strengthen our family farms, our education, for our senior citizens, and really provide a brighter future for our children. So I am very pleased to be here tonight to participate in this discussion on our budget.

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CONGRESSIONAL BLACK CAUCUS BUDGET

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, we have heard two presentations, one by the Democrats and one by the Republicans, on the budget. We will have the budget on the floor tomorrow to vote on, and nothing is more important than the budget this week. But nothing is more important than the budget at any time.

The most important decisions we make in Washington are the decisions related to the budget and the appropriations process. The budget is the opening of the process which ends with the appropriations process. People should understand that we broadly categorize certain spending goals in the budget, and then it is the appropriations process that carries them through with the detailed expenditures.

I want to talk about the Congressional Black Caucus Budget, a budget for maximum investment and opportunity, which we will have on the floor tomorrow as an alternative to the President's budget and the budget of the majority Republicans.

Our budget is very important, and I am going to spend half my time talking about the priorities of that budget, the six priorities of that budget. But the seventh priority is the one that I want to begin with. The mission of our budget is clearly, the Congressional Black Caucus Budget, an advocacy budget. It advocates for those that are left out and forgotten, the poor in general, and more specifically African Americans and other neglected minorities.

We concur with three-quarters of the President's budget and his priorities. But we would like to emphasize certain kinds of things that get left out. So in each one of these seven areas, education, housing, health care, economic development and livable communities, foreign aid, welfare and low-income assistance, and juvenile justice and law enforcement, we have special kinds of priorities that we have within those categories. We would like to make certain that those do not get left out.

This presentation will start with priority number seven, which is a very unusual priority for the Congressional Black Caucus to focus on. That is juvenile justice and law enforcement. Law enforcement.

Now, I understand that in the Democratic alternative budget that is going to be presented tomorrow, there will be some recommended increases in the law enforcement budget, the Justice Department budget. But that is all about increasing at the investigative end, increases for the prosecutions in general.

There are a number of things that are going to happen in that proposed set of budget increases that we are not particularly concerned with. We would like to see the Justice Department capacity increased to handle some other kinds of pressing emergencies.

For example, we have an explosion of high profile corruption and malfunctioning of the criminal justice system across America. In Los Angeles, in Illinois, Louisville, Kentucky and New York, on and on it goes. Right now, we have these high profile cases that should attract the attention of all Americans. Certainly the overwhelming majority of Americans are concerned about these malfunctionings and this corruption.

Certainly in the case of Amadou Diallo and the verdict of a jury there in New York State, the capital, Albany, related to a case where Amadou Diallo was standing on his front step and was approached by four policemen, and they shot him to death. Forty-one bullets were fired.

□ 2145

He was hit 19 times, and some of the bullets show he was hit after he was on the porch. Nevertheless, those policemen were found not guilty of anything; not negligent homicide, not reckless endangerment, not guilty of anything. A survey taken a few days later showed that the overwhelming majority of the people of New York State were outraged. They disagreed profoundly with that verdict and felt that a great miscarriage of justice had occurred.

But on the other coast, in Los Angeles, we had a series of revelations over the last few months indicating that the police department has been carrying out corrupt practices for almost two decades; that there are people in the police department who routinely, routinely, have planted evidence on people of drug selling, evidence of various kinds, planted guns on people, beaten people, and shot people. And the Los Angeles government now is getting ready to pay out millions of dollars in response to court suits that are being brought on these matters, as well as many, many cases that will be overturned.

The lives of numerous individuals, thousands of individuals when we consider the families of the people who have been wrongfully convicted or harassed, beaten up, the lives of thousands of individuals are involved in this gross systemic ongoing set of miscarriages of justice.

In the State of Illinois we have a situation where there were 25 people on

death row, 25 people about to be executed. We were about to play God and take their lives. I am against the death penalty, but those who are for the death penalty certainly would not like to see innocent people executed. There was a special project conducted by some university students and they utilized the most advanced detective techniques, including DNA, to check to see whether these 25 people were really guilty or not. They were on death row. They had gone through the whole system. The district attorneys had brought cases against them, they had been prosecuted by public prosecutors, a judge had sat on the case, a jury heard the case, and now it was all over. They were on death row to be executed.

Under our constitution we guaranty the right to life, liberty and the pursuit of happiness. But if a person's life is taken, there is nothing else they are going to be able to do. They cannot pursue happiness. Liberty means nothing. A death penalty takes away that life. And of the 25 people who were on death row, 12 were found to be innocent. DNA evidence, about as conclusive as it gets, was used to prove that 12 of the 25 on death row were innocent. And I congratulate the governor of Illinois for acting after that, immediately, to say there will be no more executions until we straighten out this tangle.

Where is the criminal justice system going wrong? How did it produce an almost 50 percent error rate in a matter as serious as taking the life of an individual for the commission of a crime? Twelve of the 25 were innocent.

Let me see, I have mentioned Los Angeles and Illinois. Let us now go to Louisville, Kentucky. There was a killing of a young man by the Louisville, Kentucky, police. Two policemen were involved. The police commissioner, without telling the mayor, decided to give these two policemen a medal, awarded both of them a medal.

Now, they have gone through a process, I think, of being checked out, with disciplinary hearings, and steps have now been taken, but they were given a medal and the mayor was not informed about this. They were just given a medal, two medals, by the commissioner. And the mayor, rightfully so, felt that that was an outrage to do that for something that, one, was questionable, but to do it without his approval, without his involvement, was a usurpation of his authority, and it was making a statement about his position on this kind of action that clearly was in defiance of his policies.

So the mayor of Louisville, Kentucky, fired the police commissioner. And right now we have almost a coups taking place in Louisville, Kentucky. The police are marching through the streets indicating that they are really in command. The police that should be under civil authority are refusing to acknowledge that the mayor is the final authority; that the man who is elected, who hired the commissioner, had the right to fire him.

The problem is if we allow a police state mentality to develop in a small group, that spreads to the larger group, and pretty soon we are the victims of police state actions. I cannot remember any time that a whole police force has defied their chief executive, the mayor of a city, and gone out and thrown down the gauntlet. They are refusing to protect the citizens. They spend their time in demonstrating their strength.

It is illogical to allow the criminal justice system to become corrupted. What we have in America is a small percentage of police, the extremists, the fanatics, and sometimes they are racists, who commit crimes and acts of misconduct that by themselves are outrageous but we say, after all, it is only a small percentage of a total police department. The problem that all America should be concerned with is the way the rest of the police department goes to work to cover up, to protect and to nurture the fanatics and the extremists and the racists.

There is the so-called blue wall of silence, where no matter what is done they will protect them. And anybody that tells the truth will be isolated and browbeaten and harassed to the point where they will have to leave the force. The code of conduct in police departments all across the country is that the truth is not to be told if it will get one of their colleagues in trouble. So it makes the whole system corrupt. As we go up the chain of command, the officer at the top, including the commissioner, becomes involved in a pattern of cover-up. If the pattern of cover-up and protection is there, it means that the officers who are at the extreme end begin to have more and more people join them, more of their kind come on to the force because they have protection of the system.

I have talked about Los Angeles, Illinois, and Louisville, Kentucky. In Louisville, Kentucky, it is the police marching to take over the city, a coups by the police department against the city government. In New York, where the overwhelming majority of the people have indicated their outrage in the Amadou Diallo shooting, we now have another shooting of a young man named Patrick Dorismond, who lives in my district. He was killed. The mayor and the commissioner are behaving as if they want to stage a coups and take over the city against the majority. The majority are outraged, but they insist on behaving in ways that protect and encourage and nurture that small percentage of extremists in every police department.

The mayor has made outrageous statements about the last killing. Patrick Dorismond, a constituent of mine, his family lives in my district. Patrick Dorismond was in Manhattan, leaving work as a guard. He was a uniformed guard. He left work and went to a bar nearby. He left the bar and was hailing a taxi to get home when an undercover policeman approached him attempting to entrap him in a drug sale. The undercover policeman asked him if he had some drugs to sell. He wanted some drugs.

This same undercover police team had already made eight or nine arrests that night. They just wanted to bolster their statistics and make ten collars that night, so they approached one more, Patrick Dorismond. Patrick Dorismond was outraged as he was being approached and asked for drugs. An argument ensued and the backup policeman came on the scene to support his partner who was in the argument. He shot Patrick Dorismond to death.

Patrick Dorismond is dead and the two policemen say it was an accident. Most unfortunate; it was an accident. And the Mayor of the City of New York, Mayor Guiliani, ordered the commissioner, told the commissioner to immediately release the criminal record of Patrick Dorismond. Patrick Dorismond, at 13, had had some kind of encounter with the police. The laws of the State of New York say that the record of a juvenile should be sealed. Not only did they disobey the laws of the State of New York and open sealed records, but they also broadcast them all over the Nation.

Patrick Dorismond had had a run-in with the police when he was 13, like a lot of 13 year olds may have a run-in with the police. Patrick Dorismond had had two arrests as an adult for disorderly conduct. So happens that Patrick Dorismond wanted to be a policeman. So the two disorderly conduct arrests that he had had as an adult, plus the arrest that he had had as a juvenile, would not have disqualified him from becoming a policeman. They were not that serious. But the mayor has chosen to make Patrick Dorismond look like a criminal by putting these things together. And he has fooled no one.

The whole city is outraged again. It is double outrage after the Amadou Diallo verdict. Now comes Patrick Dorismond, with the mayor and the commissioner engaging in a blatant way in a cover-up. I mean, they are encouraging and setting the parameters for the cover-up in this case.

The system has gone to work to deal with some extreme activities on the part of individual policemen. There were other cases, of course, besides Amadou Diallo. There was Abner Louima, who was sodomized with a broomstick in a police precinct. Abner Louima almost bled to death. In fact, the hope was, by the policeman who had so injured him, that he would die, but, unfortunately for the policeman, he lived.

Fortunately, there were complaints made by the family, and they got through to a reporter and he got to a hospital and he survived. And the whole case broke as an exposure of what had gone on in that precinct. Most of the police in that precinct would not tell the truth. The blue wall

of silence went into effect immediately and nobody saw anything. Abner Louima had to endure a horrible experience, and they tried to pretend that nobody held him down while the guilty police officer committed that crime.

Fortunately, the Federal Government stepped into the situation and, from the beginning, showed a great interest and prosecuted the policeman for violating the civil rights of Abner Louima. Abner Louima is not dead, fortunately. He is probably injured for life. He will never function normally again. But there was a trial and, after almost a year of denying that any crime had been committed, the blue wall of silence was at work concocting stories about Abner Louima having engaged in homosexual activity and that is how his guts were erupted or torn inside him. All kinds of concocted ridiculous stories were manufactured, until finally in the Federal trial, in Brooklyn, the perpetrator confessed that he had done it, and was found guilty, of course, by his confession.

□ 2200

However, even after confessing, he wanted the world to believe he did it all by himself and nobody else saw it, wanted to protect his colleagues, and came back to court to testify in a second trial, a conspiracy trial.

The conspiracy trial related to Abner Louima was probably more important than the trial which convicted the man who perpetrated the heinous act against Abner Louima. Because the conspiracy trial goes to the heart of the problem.

The heart of the problem is the fact that the colleagues of the perpetrators, the colleagues of the extremists, of the fanatics, of the racists cover up for them. They pretend they saw nothing, they heard nothing, the system, in effect, to cover up for the crime committed against Abner Louima. His relatives went to the police station the next day, and they were threatened and told to get away from there or they would be arrested.

All kinds of horrible things happened before this case began to rise and surface in such a way that the police department had to admit that a great crime had been committed and they had to go to work to do something about it.

But when the Federal Government entered the case early and began to question the police officers, the blue wall of silence went into effect. So they took a very important step in trying four of those officers for conspiracy to cover up. Because that is the heart of the problem. The system has to be changed. The system has to be attacked.

The Federal Government at this point has also completed a study of the pattern of activity in New York City with respect to the stop-and-frisk and the way they police minority neighborhoods.

What does this have to do with the budget? Let me go back for a moment and say that all those people out there who were upset about the Amadou Diallo verdict, and there were many people, there was a spontaneous set of demonstrations. High school kids, without any tutelage or planning, left their schools and demonstrated in the streets. College kids demonstrated, white and black. There was no group that did not show their outrage.

Today, on the steps of New York Police Plaza, a press conference took place of businessmen, businessmen and labor leaders, rabbis, civil liberties leaders, urban league, a press conference took place where they all together condemned the latest activities of the mayor with respect to exposing the criminal record of Dorismond as a 13-year-old child and taking a position in defense of the killing of Patrick Dorismond before the facts were examined thoroughly.

Our constituents in New York are very upset, outraged, demanding action from their leaders. Our constituents are demanding action against these gross misjustices.

Fortunately, none of these spontaneous responses have been violent. We keep telling people it does not pay to go out in the streets and burn anything down or conduct riots. As leaders, we have been successful in making people understand that negative and unproductive set of conduct that should not be followed. However, they turn to us and say, What are you going to do? What about it?

Well, I want to say it does relate to the budget here. Because in our budget, item number 7 is the juvenile justice system. We want more money put into the Federal criminal justice system, juvenile justice, adult justice, law enforcement in general. We want more money put in.

We also have a bill that will require more funds in the Justice Department. That bill was put in by the gentleman from Michigan (Mr. CONYERS) 2 weeks ago. And I would like to let everybody know out there, the constituents, that we are not standing still, we are taking certain kinds of actions. This bill, the Law Enforcement Trust and Integrity Act, is going beyond what we have done already.

We have gone to the Justice Department. We have gone to the deputy of Janet Reno. We made our appeals there. We have gone through those motions on these particular cases, especially Amadou Diallo. And we have now gone to the Justice Department about Patrick Dorismond. In Brooklyn, the U.S. Attorney in that district, the Eastern District, now has had a discussion on that. So we are taking action at the level that we think we can take the most relevant actions.

We have accreditation of the bill that the gentleman from Michigan (Mr. CONYERS) has introduced, the Law Enforcement Trust and Integrity Act, which will require additional funding by the Justice Department if they carry out these points.

I will just quickly summarize what the bill says. The bill calls for the accreditation of local law enforcement agencies not to operate so loosely. They should have a set of procedures and standards, a training regiment which does not allow for inexperienced people to be set loose on the street with guns in their hands but make certain that they have had thorough training not only in the use of force but also an understanding of the community that they are patrolling.

This bill authorizes the Department of Justice to work cooperatively with independent accreditation law enforcement and community-based organizations to further develop and refine these accreditation standards.

Second point: Law enforcement agency development programs. The bill authorizes the attorney general to make grants to local States and governments to develop programs, such as civilian review boards, early warning and detection programs, which have proven effective in many jurisdictions, and many kinds of activities which would help develop a greater rapport between police and the community.

Administrative due process procedures. The bill requires that the attorney general study the prevalence and impact of any law, rule, or procedure which interferes with prompt and thorough investigations of abuse.

In New York City they have the 48-hour rule. The police department, the Police Benevolent Association, their union negotiated an agreement where no policeman who is involved in an excessive use of force case can be interrogated before 48 hours. Forty-eight hours must pass before they have the right to interrogate a policeman who is involved in some incident related to excessive use of force or the firing of a gun even if it resulted in the killing of an individual.

Item four in the Law Enforcement Trust and Integrity Act sponsored by the gentleman from Michigan (Mr. CONYERS). It enhances the funding of the Civil Rights Division in the Civil Rights Department. It authorizes appropriations for expenses for ongoing investigations of pattern and practice of abusive investigation by the Justice Department.

Item five in the pattern and practice investigations: It enhances the authority to bring private cause of actions limited only to declaratory and injunctive relief when there is a pattern and practice of discrimination.

Item six: Deprivation of rights under color of law. The bill amends section 242 of Title 18 of the Code to expressively define ''use of force'' and ''nonconsentual sexual conduct'' as deprivations of rights under color of law.

Item 7: The study of deaths in custody, referring back to the Illinois case. The bill amends the Code to require assurances that States will follow guidelines established by the attorney general for reporting deaths in custody.

National Task Force on Law Enforcement Oversight. The bill requires the Department of Justice to establish a task force to coordinate the investigation, prosecution, and enforcement efforts of Federal, State, and local governments in cases related to law enforcement misconduct.

Immigration Enforcement Review Commission. The bill creates a commission to investigate civil rights complaints against the INS and Customs Services with authority to make policy and disciplinary recommendations.

It is very interesting that, in New York, several of the cases that have taken place have related to immigrants. Amadou Diallo was an immigrant from Africa, the country of Guinea. Patrick Dorismond is a Haitian American. Abner Louima is a Haitian American.

I know this is only a coincidence because I have lived in New York for 42 years and there is a long list of victims of excessive force, negligent homicide, that were not necessarily immigrants.

Eleanor Bumpers was a grandmother who was shot down in her living room. Claude Reece was a 13-year-old who lived in a housing project in my district. Clifford Glover was 11 years old and was shot in the back. Randolph Evans was shot point-blank by a policeman who used a defense in court called psychomotor epilepsy. I have never heard that term before; and since that case, that trial, I have never heard it since. Well, the jury found the policeman not guilty because he had had a seizure of psychomotor epilepsy and he could not stop his hand from raising the gun and pointing to young Randolph Evans's head. He walked off scot-free.

So there have been a long list of deaths, of police killings and police brutality which did not deal with immigrants. But it just happens that recently the focus has been, by accident I think, on immigrants. So an Immigrant Enforcement Review Commission is very much in order.

Item 10: Federal Data Collection on Racial Profiling. The bill requires the Justice, Treasury and Interior Departments to collect data concerned with personal characteristics of individuals targeted for investigation, etcetera.

The bill establishes civil and criminal penalties for retaliation against law enforcement officers who in God's faith disclose, initiate, or advocate on behalf of a civilian complainant in actions alleging police misconduct and creates private cause of action for retaliation.

These are 11 of the points that are emphasized in the Law Enforcement Trust and Integrity Act. Many of them will require additional funding. My colleague the gentlewoman from Texas (Ms. JACKSON-LEE) has added to that some other provisions that will require additional funding in the budget. She wants a budget increase to deal with the Weed & Seed program. She wants to address juvenile delinquency prevention with certain projects, a program to reintegrate great young offenders, and a program to reduce youth gun violence.

So in our seventh category, juvenile justice and law enforcement, in our budget, we are addressing some of the issues that are of great concern to my constituents back in New York. CBC, the Congressional Black Caucus, wants to support these issues in every way. Tomorrow we will deal with a budget which does that.

In addition to that, I think it is important to note that we are proposing and, in fact, I proposed at a meeting of the Brooklyn African American Clergy and Elected Officials, consisting of 96 members, on March 3, 2000, I proposed the following in reaction to my constituents and all those who are outraged and want some leadership, I proposed we have a declaration against surrender to this kind of activity.

We will not surrender to police abuse and a policeman state mentality. We will not surrender to a mayor and a commissioner who insist on protecting the extremists and the fanatics who constitute only a small part of the police department.

This declaration of surrender reads as follows: ''We, the undersigned leaders of the caring majority, pledge to unite in solidarity against continuing oppression by the extremist law enforcement establishment and the collaborating criminal justice system. With unrelenting fervor, we pledge to provide continuous leadership for the following actions and activities:

(1) negotiations to achieve the 10 demands for police and criminal justice reform set forth on March 27, 1999, almost a year ago.

A coalition of leaders from all parts of the city met at Local 1199 in the heart of the city, and we drew up a 10-point plan on misconduct and brutality. These 10 points cover the need for civilian review board which has real teeth. It covers the call for a special prosecutor to be appointed in cases involving police brutality or police homicide. It calls for a residency law for New York City.

Most of the country requires policemen to live in the city or the county. Most of the counties in New York State require policemen to live in the city or county. But not in New York City. The legislature exempts New York City from that requirement despite the fact that the city council and the people of New York want a residency law to guarantee that they get police that have a greater comprehension of the people that they are serving and the cultures that make up New York City.

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On and on it goes. There are 10 demands here drawn up March 27, 1999. The problem with these demands is that for the 40 years that I have been in New York, most of these demands have been made repeatedly over and over again every time there has been some excessive use of force or misconduct among the police. The time that I have been in New York, for 40 years, there have been three commissions to investigate corruption and excessive use of force. They all come up with the same recommendation. Nothing gets done. For that reason, we are insisting that we negotiate again. We like to go to our constituents and say we are reasonable people, we are leaders who do not under any circumstances want our constituents to resort to violence. We want to proceed in a nonviolent way, in a reasonable way to try to get these so-called intractable problems that seem not to be solvable, to get something done. So we want to negotiate these 10 demands. We want to ask the mayor to negotiate again, but beyond the mayor we want the fathers of the city, we have a phrase in New York called the permanent government of the city. In a lot of the cities and towns across the country, there is a permanent government, the business people, the civic leaders, a group of people who really behind the scenes, if you do not have their approval, if elected officials do not have their approval, they cannot survive, they cannot exist. There is a combination of financial contributions as well as the press being on your side, indignation of people in high places who have the bully pulpit. They can govern in certain ways. We think that they are guilty in New York City of not weighing in and doing more over the years to rein in the excessive police abuse that continues to erupt again and again in New York City. So we want to negotiate with them as well as with the mayor and the governor. That is point one in this Declaration Against Surrender.

We want to, point two, take the necessary actions to achieve intervention in the Diallo case by the Justice Department and the prosecution of the four police defendants for the violation of the civil rights of Amadou Diallo. Four policemen have already been found innocent of anything, including reckless endangerment or negligent homicide, nothing, totally innocent, just as the people who beat up Rodney King in California were found innocent. Despite the fact that you had a videotape of them surrounding him and beating him, they still found the perpetrators innocent. The Federal Government had to go in and try those same people on a charge of violation of civil rights of Rodney King. We have asked and we are pressing hard to get the Justice Department to try the people who killed Amadou Diallo on the basis of the violation of the civil rights of Amadou Diallo, a victim of police profiling. Nowhere in the history of New York City have you had a person standing on his front porch shot down by the police. Only racial profiling gone mad and seeing any black as a threat could have conjured up an image of Amadou Diallo as being a danger to society or to the four policemen who

shot him in self-defense, they say, because they thought he was reaching for a gun when he pulled out his wallet. Probably, being a foreigner, he knows the first thing you do when you are confronted by the law is show your papers, show your papers and identify yourself. We think that we have a good case and that the Justice Department will move, we hope, to prosecute these defendants for the violation of Amadou Diallo's civil rights. We are trying to tell our constituents that this is a society where ultimately there is justice for all. If you cannot get justice for all at the city level or the State level, then there is finally the Federal Government which will guarantee that there will be justice for all.

Our third point here is an appeal to the United Nations to secure an objective review of the violations of minority human rights in the United States as evidenced by the following. Violations of minority rights in the United States are out of control. Too many people in high places are not excited about the fact that they are out of control. Why? Because, one, there is a national pattern, a national pattern of systemic police brutality with recurring unjustified homicides. Two, death penalty laws which result in a disproportionate number of minorities executed, a disproportionate number of minorities executed and a high probability of innocent victims on death row. I gave you the case of Illinois where the death row inmates who were innocent were fortunate enough to have a local university project conduct an exercise using the latest detective techniques including DNA, and they found 12 of 25 of the people on death row to be innocent. The next point, widespread officially sanctioned racial profiling. The next point, exposures of massive long-term corruption and illegal arrests in police departments. The next point of great racial disparity in sentencing. Great racial disparity. We have several studies which show that a black person and a white person accused of the same crime going through the same similar investigative procedure standing before a judge, the racial minority will get a tougher sentence, a higher sentence. Disparity in sentencing. Finally, the imprisonment of 2 million persons, most of whom are poor and members of minority groups. In the United States there are now about 2 million people in prison. Prisons have become a major industry. You can invest in prisons. If you invest in prisons, they do not pay off unless you have inmates. You are paid according to the number of inmates. There is something grossly unjust about this kind of system. There is something grossly unjust about so many people in prison. The highest number now of any of the industrialized nations are imprisoned in the United States of America. Almost half of them are imprisoned for nonviolent offenses related to drugs. There is something wrong with the system. We complain on the floor of this House, we have many bills which have made matters worse sponsored by the Republican majority. We complain. Nothing happens. An appeal to the United Nations may be where we have to go in order to get some attention focused on these gross abuses.

Finally, in this Declaration Against Surrender, we the undersigned leaders of the caring majority pledge to sponsor periodic ''Weeks of Outrage'' with citywide nonviolent actions including civil disobedience. Such Weeks of Outrage will be periodically sponsored until our just demands are met. Going back to point one, the demands we ask to be negotiated, we will not sit still and let those demands be treated with contempt nor ignored. We intend to have Weeks of Outrage starting with an April Week of Outrage which is in the process of being planned. There is a call for an April Week of Caring Majority Nonviolent Outrage.

The Declaration Against Surrender continues by saying that in the last 40 years, more than 50 outrageous killings of New York citizens by the police have gone unpunished, from the children, Clifford Glover and Randolph Evans, to grandmother Eleanor Bumpers, mental patient Gideon Bush, and immigrant Amadou Diallo, the callous actions of individual policemen have been supported and excused by a collaborating judicial system, by the establishment press and media, by the power brokers and the permanent governors of New York City. We declare that the caring majority of New York City will no longer surrender to these gross injustices.

Mr. Speaker, I submit the statement related to the Declaration Against Surrender for the RECORD.

DECLARATION AGAINST SURRENDER

We, the undersigned Leaders of the ''Caring Majority'' pledge to unite in solidarity against continuing oppression by the extremist law enforcement establishment and the collaborating criminal justice system. With unrelenting fervor we pledge to provide continuous leadership for the following actions and activities:

Negotiations to achieve the ten demands for police and criminal justice reform set forth on March 27, 1999.

Necessary actions to achieve intervention in the Diallo case by the U.S. Justice Department and the prosecution of the four police defendants for the violation of the Civil Rights of Amadou Diallo.

An Appeal to the United Nations to secure an objective review of the violations of minority human rights in the United States as evidenced by: a national pattern of systemic police brutality with recurring unjustified homicides; death penalty laws which result in a disproportionate number of minorities executed and a high probability of innocent victims on death row; widespread officially sanctioned racial profiling; exposures of massive long-term corruption and illegal arrests in police departments; a great racial disparity in sentencing; the imprisonment of two million persons most of whom are poor and members of the minority groups.

Sponsorship of periodic ''Weeks of Outrage'' with citywide nonviolent actions including civil disobedience. Such ''Weeks of Outrage'' will be periodically sponsored until our just demands are met.

We, the undersigned Leaders of the ''Caring Majority'' invite all citizens everywhere who deem themselves as members of the ''Caring Majority'' to unite with us in the ''Declaration Against Surrender''.

Submitted by Congressman Major Owens and Approved by the Brooklyn African American Clergy & Elected Officials (March 3, 2000).

10-POINT PLAN ON MISCONDUCT AND BRUTALITY

FOLLOWING ARE THE PROPOSALS ISSUED BY A BROAD COALITION OF POLITICAL LEADERS AND COMMUNITY ORGANIZERS IN RESPONSE TO THE SHOOTING OF AMADOU DIALLO: MARCH 27, 1999

1. Mayor Giuliani must immediately implement the recommendations of the Mollen Commission, especially the call to establish an independent investigative body with full subpoena power that has jurisdiction over police corruption and brutality in New York City. Twice, the City Council has passed legislation creating a body to monitor corruption, but the Mayor has done everything in his power to block its implementation—first by veto and then, when the Council overrode his veto, by tying the matter up in court. The Mayor must also implement the recommendations (from both the majority and dissenting reports) of his own Task Force, that he appointed in 1997 in the wake of the shocking Abner Louima incident.

2. The Civilian Complaint Review Board must be immediately reconstituted, strengthened and fully funded so that it can effectively investigate civilian complaints of police misconduct.

3. The State Legislature must pass legislation creating a permanent special prosecutor for police brutality and corruption in New York. In conjunction with this, the State Attorney General must create a special unit on police misconduct and should issue an annual report documenting instances of misconduct throughout the state.

4. The Police Department must develop a comprehensive training program, developed in consultation with outside experts, to school its officers in racial and cultural sensitivity and must also implement a rigorous process of in-depth psychological screening of its recruits and officer.

5. The New York Police Department should reflect the makeup of the citizen population it serves—N.Y.C. police officers should live in New York City. The State Legislature must immediately pass a law mandating residency for city officers.

6. The Police Commissioner must also take specific and immediate steps to recruit more minorities and women to serve as police officers and develop a plan to increase promotion opportunities for women and minority officers.

7. The salary and benefits for police officers must be improved. Law enforcement officers are entrusted with extraordinary responsibility and they should be compensated accordingly.

8. The Police Department's ''48-hour'' rule, which delays the ability of N.Y.P.D. investigators to question police officers charged violations of N.Y.P.D. rules and regulations, must be eliminated.

9. The weapons, ammunition and tactics used by the department must be assessed and periodically reviewed, not only to measure effectiveness, but to protect the safety of innocent New Yorkers. The use of hollow point bullets should be discontinued immediately.

10. Congress must call on the Justice Department to honor its commitment to monitor and issue annual reports documenting instances of police misconduct throughout the country. This promise was made in the wake of the Rodney King incident and has yet to be acted upon.

Demands Cited in the Major Owens Declaration Against Surrender

DECLARATION AGAINST SURRENDER—CONGRESSMAN MAJOR OWENS

Call for an April Week of Caring Majority Non-Violent Outrage

THE DECLARATION AGAINST SURRENDER

In the last forty years more than fifty outrageous killings of New York citizens by the police have gone unpunished. From the children, Clifford Glover and Randolph Evans, to grandmother Eleanor Bumpers, mental patient Gideon Bush, and immigrant Amadou Diallo, the callous actions of individual policemen have been supported and excused by a collaborating judicial system; by the establishment press and media; by the power brokers and the permanent governors of NYC. We declare that the Caring Majority of NYC will no longer surrender to these gross injustices.

THE TARGETS AND THE GOALS

—The Caring Majority Must Be Empowered To Realize How Strong They Are

—City Hall Must be Made To Understand The Ultimate Power Of The Caring Majority

—The Police And The Power Brokers Must Be Made To Understand The Limitations Of Their Control

—Reasonable Demands Must Receive A Respectful Response, Serious Negotiations And Meaningful Legislation Action

Our primary goal is to provide leadership for the following:

Negotiations to achieve the ten demands for police and criminal justice reform set forth on March 27, 1999.

Necessary actions to achieve intervention in the Diallo case by the U.S. Justice Department and the prosecution of the four police defendants for the violation of the Civil Rights of Amadou Diallo.

An Appeal to the United Nations to secure an objective review of the violations of minority human rights in the United States as evidenced by: a national pattern of systemic police brutality with recurring unjustified homicides; death penalty laws which result in a disproportionate number of minorities executed and a high probability of innocent victims on death row; widespread officially sanctioned racial profiling; exposures of massive long-term corruption and illegal arrests in police departments; a great racial disparity in sentencing; the imprisonment of two million persons most of whom are poor and members of minority groups.

Sponsorship of periodic ''Weeks of Outrage'' with citywide nonviolent actions including civil disobedience. Such ''Weeks of Outrage'' will be periodically sponsored until our just demands are met.

The list of the ten demands set forth on March 27, 1999 are attached at the end of this Call Statement.

STRATEGY AND TACTICS

Using non-violent principles and techniques the purpose and mission of the ''Week Of Outrage'' is to provide every outraged citizen with an opportunity to publicly express that outrage and bear witness to the fact that the ''Caring Majority'' of New York City will not surrender to the oppression of the police establishment and the collaborating criminal justice system.

For each of five days in all five boroughs Action Groups shall simultaneously assemble at several strategically selected protest sites within each borough for a citywide total of no less than fifteen sites. The non-violent soldiers at each site shall rally, march, conduct civil disobedience or engage in any other pre-planned non-violent activity. The absolute necessity is that citywide actions take place simultaneously in order to demonstrate the lack of capacity of the police to control citizens who are righteously indignant and organized. New York City belongs to the people and each day's coordinated mass actions will deliver the message of this forgotten truth.

In order to maximize citizen participation and conserve resources the primary strategy for the assembled Action Groups shall be to march through key streets and intersections in ways that take command of the thoroughfares and public places. Civil disobedience with pre-planned arrests shall be carefully targeted. Most of each operation will be merely the assertion of the right to assemble—and for this activity no one can be arrested.

The decision-making structure for the ''Week Of Outrage'' shall be lean, decentralized and flexible. There shall be an overall ''Caring Majority'' citywide Coordinating Committee and each borough shall have a Borough Coordinating Committee. Each Action Groups must choose its own Captains and Marshals. Action Group must have representation at all planning sessions and must accept a set of Caring Majority Non-Violent Principles and Procedures; however, approval of specific and detailed action plans will not be mandated.

The Week Of Outrage War Plan

To drive home the self-evident truth that the City belongs to the people and that the police and the power brokers can only operate with ''the consent of the governed'', five days of coordinated citywide actions are necessary.

On Sunday prior to the first day of activity Meditation and Evaluation Rallies will be held in each borough to finalize the week's master-plan.

On Monday the important first day of action must be launched on a test scale in order to pinpoint problems and weaknesses.

On Tuesday an attempt will be made to raise the level of activity and to maximize the repetition of the most effective actions.

On Wednesday the peak of participation will be reached.

On Thursday and Friday variations and innovations in activity will be maximized.

The Daily Outrage Action Schedule

In accordance with the Daily Outrage Action Plan that has been agreed on during a Meditation and Evaluation Rally on the night before, Action Groups must assemble each morning at the designated protest sites. At the designated sites actions must begin simultaneously throughout New York City.

Morning Actions must be conducted in ways that maximize participation by local residents. In selected neighborhoods within each borough, demonstrators must assemble without notifying the police in advance.

Transitional Activities must move the masses to a designated citywide central protest site in Manhattan. This means that local morning actions should end by 1 P.M. in time for the citywide high visibility action of the day to begin by 3 P.M.

Afternoon Action will be conducted at a designated site of high visibility and great traffic vulnerability in the heart of the City. Without engaging in civil disobedience the number of participants must be great enough to stop the business-as-usual activities of the business community.

Evening Meditation and Evaluation Rallies shall be conducted in each borough. A review of strengths and weaknesses must take place and clear directions be given for the next day's Outrage Action Schedule.

THE WEAPONS AND RESOURCES

A non-violent crusade must be an organized mobilization which understands how to best utilize its weapons and resources:

Mobile Cell Phones must be available in large numbers to maximize communication at all times. A set of vital numbers will be compiled.

Cameras of all kinds must be recruited to record incidents, especially the actions of the police. Each Action Group must have a Camera Unit responsible for coverage of the action from the periphery out of the reach of possible confiscation by the police.

Bull Horns must be spread through each large group.

Marshalls and Captains must be thoroughly trained to keep order, and to contain and isolate the agents of sabotage.

A Legal Unit with at least one law student or paralegal must be attached to each Action Group.

An Emergency Unit with at least one person capable of administering first aid must be a part of each Action Group.

THE CEASE FIRE AND EVALUATION

At the end of the ''Week Of Outrage'' a cease fire will be called for an indefinite period of time while the following factors are evaluated:

—Has the pressure of the week's actions forced the Mayor, the Governor and the other significant power brokers to respond to the stated demands?

—Has the one week crusade raised the level of awareness and strengthened the resolve of the ''Caring Majority'' to fight for justice?

—Are the ranks of the ''Caring Majority'' expanding in all segments of the City's population?

—Can future similar ''Weeks of Outrage'' be sustained with existing resources?

—What strengths and weaknesses in the operation have thus far been identified?

—What are the adjustments in structure with respect to decision-making and leadership which need to be made?

—Can the one week crusade be effectively turned off with the capacity to resume at a later date?

Mr. Speaker, the rest of my presentation is also concerned with the budget. I wanted to deal thoroughly with point seven. Point seven is juvenile justice and law enforcement. This is our seventh priority in the Congressional Black Caucus budget. Let me go back and deal with item one. Housing, health care, economic development, livable communities, foreign aid, welfare, low-income assistance, those are all important, but item one is education.

In the remaining time I have, I would like to talk about our emphasis on education. The caring majority budget begins with the following introduction. We call our budget the Congressional Black Caucus Budget, a Budget for Maximum Investment and Opportunity.

''Carrying forward the great Democratic Party traditions of Franklin Roosevelt's New Deal, Harry Truman's Marshall Plan and health care proposals, Lyndon Johnson's Great Society that produced Medicaid and Medicare. As advocates for the Democratic Party mainstream philosophy, the Congressional Black Caucus sets forth this budget for maximum investment and opportunity.

''As we prepare the year 2001 budget, we are blessed by the long warm rays of the sun of a coming decade of surpluses. Compassion and vision are no longer blocked by the specter of budget deficits. The conservative estimate is

that there will be a $1.9 trillion non-Social Security surplus over the next 10 years. Using simple logic, we should be able to program about $200 billion for year 2001 as this window of opportunity opens.'' Program it means it may be in some tax cuts. It might be in investments in education. It could be in increases in jobs and training for welfare workers. There are a number of ways it can be programmed.

I was pleased to hear that the Blue Dog budget, I do not know why they call themselves Blue Dogs but the conservative Democrats they are, the conservative Democrats are almost in agreement with what we are proposing on education. I will get back to that in a few minutes.

''Investment for the future must be our first priority. Maximizing opportunities for individual citizens is synonymous with maximizing the growth and expansion of a U.S. superpower economy. It is the ''age of information,'' stupid. It is the time of the computer and digitalization. It is the era of thousands of high level vacancies because there are not enough information technology workers. With enlightened budget decisions we can at this moment begin the shaping of the contours of a new cyber-civilization.

''If we fail to seize this moment to make investments that will allow our great Nation to surge forward in the creation of this new cyber-civilization, then our children and grandchildren will frown on us and they will lament the fact that we failed not because we lacked the fiscal resources but our failures, our very devastating blunder was due to a poverty of vision.

''We are the custodians of unprecedented wealth in a giant economy. But midget minds and tiny spirits have seized control and the only big sweeping idea being generated during this budget discussion is the negative Republican proposal for a monster tax cut for the wealthy. At a time when positive generosity is possible, such a proposal maximizes great selfishness.''

Let me just repeat that. ''We are the custodians of unprecedented wealth in a giant economy. But midget minds and tiny spirits have seized control and the only big sweeping idea being generated during this budget discussion is the negative Republican proposal for a monster tax cut for the wealthy. At a time when positive generosity is possible, such a proposal maximizes great selfishness.''

I want to criticize my Democratic colleagues. They have no sweeping, big proposals when that is what we need at this time. In the area of education, we need a big, sweeping proposal. It is pretty clear that education is the key to the future of this Nation. It is the key to our building a cyber-civilization.

Mr. Speaker, I submit the introduction of the Congressional Black Caucus budget consisting of an introductory statement and a statement of a set of principles and assumptions for the RECORD.

THE CONGRESSIONAL BLACK CAUCUS BUDGET: A BUDGET FOR MAXIMUM INVESTMENT AND OPPORTUNITY

Carrying forward the great Democratic Party traditions of Franklin Roosevelt's New Deal; Harry Truman's Marshall Plan and Health Care Proposals; Lyndon Johnson's Great Society that produced Medicaid and Medicare; as advocates for the Democratic Party mainstream philosophy the Congressional Black Caucus sets forth this Budget for Maximum Investment and Opportunity.

As we prepare the year 2001 budget, we are blessed by the long warm rays of the sun of a coming decade of surpluses. Compassion and vision are no longer blocked by the spectre of budget deficits. The conservative estimate is that there will be a 1.9 trillion dollar non-social security surplus over the next ten years. Using simple logic we should be able to program about $200 billion dollars for year 2001 as this window of opportunity opens.

Investment for the future must be our first priority. Maximizing opportunities for individual citizens is synonymous with maximizing the growth and expansion of the U.S. superpower economy. It is the ''Age of Information'' stupid! It is the time of the computer and digitalization. It's the era of thousands of high level vacancies because there are not enough Information Technology workers. With enlightened budget decisions we can at this moment begin the shaping of the contours of a new Cyber-Civilization.

If we fail to seize this moment to make investments that will allow our great nation to surge forward in the creation of this new Cyber-Civilization then our children and grandchildren will frown on us and lament the fact that we failed not because we lacked fiscal resources, but our failures, our very devastating blunder was due to a poverty of vision.

We are the custodians of unprecedented wealth in a giant economy. But midget minds and tiny spirits have seized control and only the big sweeping idea being generated during this budget discussion is the negative Republican proposal for a monster tax cut for the wealthy. At a time when positive generosity is possible such a proposal maximizes great selfishness.

The preparation of this Budget for Maximum Investment and Growth was guided by the set of principles and assumptions set forth in the statement below:

1. We accept the general direction of the President's Budget and the House Democratic Caucus. ''Families First'' is a motto we wholeheartedly endorse; however, more resources must be directed toward working families and the unique problems of African American families.

2. We view the projection of a 1.9 trillion dollar surplus over a ten year period as an overriding factor for the basic decisions to be made for the FY 2001 Budget. Common sense dictates that we approach this first year of the decade of budget surpluses with proposals for the most advantageous uses of one-tenth of the projected surplus.

3. Investment in the CBC designated priorities shall be our number one concern. We support a moderate plan to pay the national debt; however, the President's blueprint moves too far and too fast with debt reduction at the expense of investment.

4. The protection of Social Security, Medicaid and Medicare are among the highest priorities of the CBC; however, investments in the education and training of the present and future workforce will provide greater guarantees for the solvency of Social Security and the sound financing of health care than any other policies or actions under consideration.

5. In budgeting for each function, the CBC accepts the principles of a balanced budget, however, increases in CBC priorities must not be inhibited by present budget caps and conventional assumptions. We assume that there is waste in several key areas which may be transferred to enhance better investments for the future. We also assume that there are excessive revenue expenditures to continue corporate welfare which may be eliminated to increase funding for our designated priorities. And finally, we assume that one-tenth of the projected ten year surplus must be factored into the development of this budget for maximum opportunity and investment.

6. The CBC accepts the basic thrust of President Clinton's proposal for the distribution of the surplus; however, the CBC will insist that the emphasis in priorities must be shifted. At least 10 percent of the surplus should be devoted to investments in programs for education and a second 10 percent should be allotted for investments which benefit working families and for safety net programs.

7. Tax cuts, which must be taken from the 80 percent of the surplus which remains, are not a high priority of the CBC; however, since the current political power equation dictates the inevitability of a White House approved tax cut, the CBC must insist that the tax cuts not exceed the percentage of the surplus which is allocated for CBC priorities.

8. Within the priorities earmarked by the President's budget, in each function, the CBC will strive to target some portion of the proposed allocations to the special needs of working families, the poor and the African American Community. New market opportunities and minority contract set-asides must apply across the board—and special units should be funded to implement and facilitate the targeting of CBC designated constituents.

9. Budget allocations for necessary programs that currently do not exist are encouraged. The proponents must also later develop legislation for authorization as part of the process to sell the ideas and convince the President to place the item on his priority list at the time of the end-game negotiations. Proposals for new methods of proposal solicitation, peer review, technical assistance, etc. are also in order.

10. The currently stated CBC FY 2001 Priorities are: Education, Housing, Health, Economic Development and Livable Communities, Foreign Aid, Welfare and Low income Assistance and Juvenile Justice and Law enforcement. Some additions or subtractions from these categories are possible; however, they will remain as the basic frame-work for CBC Budget and appropriations demands for the entire session of the 106th Congress. Members preparing budget functions should also consider promoting tactics and strategies which support the CBC's ongoing advocacy of these dollar allocation positions.

To focus specifically on the most important item, education, everybody agrees that it is the number one priority. I wonder why everybody agrees. Every elected official agrees because we all read the same polls. We have been reading the polls for some time now. For the last 5 years, education has ranked among the top five priorities of the American people. Finally this year it has been the number one priority. Above concerns about Social Security, above concerns about crime reduction, the number one concern of the American public is education. So every party, every elected official has

responded. Why is the response so feeble when the demand is so great? There are 53 million children out there in our American public schools. Yet the response is so feeble to their needs that we have up to now in the last 5 years appropriated not a single penny for school construction. Why is our response so feeble on a basic item like school construction?

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Is there a need for school construction? Our own General Accounting Office said 6 years ago that we needed $110 billion at that time, 6 years ago, in order to just maintain a physical infrastructure for the students in school at that time, without projecting what was coming.

There have been tremendous increases in the number of school children who are attending public school in the last 6 years, so the problem has been compounded. But our feeble response has been on the Republican side, the Republican majority, zero, zero for construction. There is some kind of inbred instinctive reaction against the word ''construction.''

I hear many of my Republican colleagues say well, the Federal Government is not responsible for education, should not be responsible for school construction.

The Federal Government is not responsible for roads and highways and sidewalks, but we have appropriated, we have approved, authorized $218 billion for roads and highways and mass transit over the next 6 years.

There is nothing in the Constitution that says we should deal with highways and sidewalks and mass transit, but we are doing it. The highway system was not projected in the Constitution but we did it, we are doing it. Many other activities undertaken by the Federal Government are not mandated in the Constitution. It is a need we feel the Nation has and we rise to meet that need.

We have great concern with defense. In all the budgets other than the Congressional Black Caucus budget there are proposals to increase the amount of defense. The President started with a huge increase for defense, and beyond that the Republicans want to add $17 billion more for defense.

The Democratic Blue Dogs, conservatives, want to add money for defense. What will it gain us if we spend billions of dollars to perfect and to create more of these high-tech military systems if we do not have the people who can run them?

The last great aircraft carrier that was launched in the United States was 300 personnel short. They had places for 300 people more and they could not find them because the high-tech systems on that aircraft carrier required a certain level of intelligence that would allow one to be trained in a certain way and a certain amount of exposure to previous training related to computers and the digital world.

The world is going that way and we are rapidly pushing it that way. We are in the leadership. Our military technology is in the leadership above all. Who created the Internet? It was the American people who financed the Internet through the Defense Department. Our military created the Internet. There would be no Internet if it had not been for the genius of the people in the military who saw the need for that kind of system and began that system.

So how are we going to operate this 21st Century military fighting machine unless we have more young people who have the appropriate training and education? No matter where one goes, they are going to find a need for more and better trained people. One cannot accomplish that if they refuse to construct decent schools, renovate schools. It is not just a matter of wiring the schools so that they can have computers and maybe hook up to the Internet, taking advantage of the fact that we have a thing called the e-rate which will give them a discount on the use of the Internet. It is not just a matter of that. It is a matter of they cannot even achieve in the basic areas of reading, writing and arithmetic if they are in schools that are unhealthy, unsafe and not conducive to learning.

In New York City we have 200 schools that still have furnaces that burn coal. We subject children in New York City to the fumes of a coal-burning school to pollution in the air. We also have an asthma epidemic in New York City that goes on year after year. Is it surprising that we can take a map and the asthma epidemic is at its greatest in the areas where there are the coal-burning schools?

One coal burning school has 500 students, and 100 of those students have serious respiratory illnesses and asthma, and half the teachers in the school also have serious respiratory illnesses, those who chose to stay. A lot of them left the school, which brings us to another problem. We are focused on the fact that there is a great teacher shortage looming. It is already in effect in New York City. One-third of the teachers are not certified because they cannot get certified teachers so they have to use uncertified teachers. So we have a problem already. Many other big cities have the same problem but it is going to get worse and the cities and the suburbs and everywhere will be without teachers unless we do something to make up for this great coming retirement of massive numbers of teachers.

There are all kinds of programs being proposed but the simple matter of creating working conditions where those who are teachers will stay in the profession and those who are not teachers will look at what is going on and come in is a first step. One must have a decent place to work. Why should a teacher, a young person, want to study and become a teacher when he has other alternatives that are safer? Why go into a school where they have a coal-burning furnace? Why go into a school where the top floor has been abandoned because of the fact that it leaks so and the walls are crumbling; no matter how they try to fix it, it is just not going to work? They need a new school. Why go into a school where there are 35 students in a classroom where classes are being held in the hallways and closets and in some cases they have converted the boys' and girls' rooms into classrooms? Why teach under those conditions? Why work under those conditions? Why ask any young person to have that kind of dedication in the United States of America, the richest country that ever existed on the face of the earth?

We are able to provide. There is no reason why we cannot provide decent school buildings. But school construction, as I said, meets a zero when it comes to the Republican majority.

The President over the last few years has proposed a program which was zero in appropriations but at least it was a program which proposed that a setup be created whereby school boards and local education agencies or State governments or local governments could borrow money to build schools, up to $25 billion nationwide, and the Federal Government would pay the interest on the bonds. That was the President's proposal, to pay the interest on the bond of $25 billion and the Federal Government, if that program went into effect, over a 5-year period and all the $25 billion was spent, the Federal Government would be contributing over a five-year period $3.7 billion to school construction, to the problem of school infrastructure.

Now, the General Accounting Office has said in 1995 we need $110 billion just to keep our present schools going. We are proposing in the Congressional Black Caucus budget that we spend $10 billion this year, next year and for the whole 10 years in this decade. Ten billion dollars would be $100 billion for school construction.

If we have a $1.9 trillion, let us round it off, about $2 trillion expected in surpluses above and beyond the Social Security surplus, if we have $2 trillion and that is a conservative estimate, then we are proposing that only 5 percent of that be used for school construction. Is that an unreasonable proposal in a nation where the people have indicated again and again that they view education as a highest priority? Is that an unreasonable proposal when some of the surveys and polls have gone even further to ask people, among the priorities within education, what do they think is most urgent?

One poll showed overwhelmingly people said fix the schools, we need to fix up the schools. Fixing up the schools means in some cases repairing existing schools that can be fixed. Fixing up the schools in some cases means modernizing the school, dealing with asbestos problems and being able to wire the school so they can have computers and

get on the Internet. Fixing some schools and some problems in areas means they want new security measures taken and they need to have some capital items taken care of in terms of security. In most cases, fixing up schools means they need to build some new schools. Ten billion dollars per year is proposed.

I have a bill which would authorize that by using provisions in the Elementary and Secondary Education Act. We will be marking up the Elementary and Secondary Education Act, the rest of it, next week, I am told, in our committee. I am on the Committee on Education and the Workforce and the chairman of the Committee on Education and the Workforce is one of those people adamantly opposes spending a dollar for school construction, but he is in favor of education being cited as a number one priority.

The Republican candidate for President, Mr. Bush, is in favor of education action by the Federal Government because he understands it is a number one priority. He is going to have a great education program but he has ridiculed the idea of spending money for school construction. In fact, in a very strange dialogue, I heard him say on television we should not spend money on school construction; bricks and mortar are not important.

The Democratic candidate, AL GORE has said he is willing to mount a program of $115 billion for education reform over the next 10 years. He is moving in the right direction. How much of that will be committed to school construction? That is my question.

I have here a hard hat that I carry around as a symbol of where we need to go. We need to let the builders of America take over to end this number one problem. One cannot solve any of the problems in education until they deal with the problem of physical infrastructure. We are winning, though, because the President moved beyond his proposal for bonds and interest and he put $1.3 billion in the budget for immediate repairs. We are winning.

I understand the Republicans have also agreed to the bond proposal. We are winning. They need to hear from the American people that not only is education a priority but number one in education is school construction.

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MTBE, A PROBLEM FOR THE WHOLE NATION

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, on January 16, 60 Minutes broadcast into the homes of millions of Americans an important story about water quality. A chemical additive is used to improve a car's performance and clean the air. It has seeps into groundwater supplies throughout the Nation. It makes water stink. It causes water to smell and taste like turpentine, and the U.S. Environmental Protection Agency thinks it may cause cancer.

This chemical is methyl tert-butyl ether, MTBE.

Mr. Speaker, here is a sample of MTBE in this vial. If I smell this, oowee, this stuff smells bad. I will say something else. It takes only one teaspoon of this stuff to make an Olympic-sized swimming pool smell and taste like this sample, like turpentine.

This little vial here contains several teaspoons of MTBE. 60 Minutes reported that MTBE-contaminated water is being found all across the country, in places like Santa Monica, Albuquerque, Denver, Dallas, among other places.

Water wells in Long Island and New Jersey are contaminated with this stuff. One could say, okay, I can see how it got into the water there. A lot of MTBE is used in those markets.

Well, I want to say something. It is not only a problem in those high-use areas. Last month, Iowa's Department of Natural Resources issued a report that showed that 32 percent of groundwater samples had MTBE levels of at least 15 micrograms per liter.

What is worse is that 29 percent of the groundwater samples had MTBE concentrations above the level at which EPA issues a drinking water advisory. Think about this. There is no MTBE sold or used in Iowa today. Yet 29 percent of groundwater samples in Iowa qualify for a Federal drinking water advisory due to contamination of this product.

So how can that be? Well, probably some of it is residual from years before when an MTBE might have been used in my State.

□ 2245

But much of MTBE comes from cars just driving through Iowa or maybe from two cylinder engines spewing MTBE blended gasoline.

These few teaspoons of MTBE will contaminate several Olympic-sized swimming pools. Let us assume that this vial contains 2 ounces of MTBE. It probably contains less. But for the sake of argument, let us say it is 2 ounces. To comply with the oxygenate requirement of the Clean Air Act, MTBE must be added at a volume of 11 percent.

In a large sport utility vehicle with a gasoline tank capacity of 25 gallons, this means that approximately 128 of these vials are being carried around in sport utility vehicle gas tanks. If that sport utility vehicle gas tank were to empty into a lake, that amount of MTBE would contaminate about 375 Olympic-sized pools.

To further demonstrate the potency of this chemical, those 128 vials of MTBE would render 71.5 million gallons of water undrinkable. And MTBE moves through water very quickly. It is incredibly difficult and expensive to remove.

Mr. Speaker, we must address this issue now. What is the problem? Why do we not just ban MTBE? Well, this is where the issue of clean air arises. When I mentioned that MTBE makes fuel burn cleaner, this is because it adds oxygen to the gasoline.

The Clean Air Act amendments of 1990 established what is called the Reformulated Gasoline Program to address poor air quality in the Nation's most polluted cities. To achieve cleaner air, Congress required refiners in reformulated gasoline areas to blend 2 percent by weight of an oxygenate into their gasoline.

Now, this practice has produced significant air quality improvements throughout the Nation by dramatically reducing harmful automobile emissions; therefore, we simply cannot remove MTBE without replacing it with another oxygenate.

Some have recommended eliminating the oxygen requirement altogether, arguing that will solve the MTBE problem, that would trade air quality for water quality, and that is not an acceptable solution, nor is it necessary.

Nonetheless, on Monday, the administration released a set of legislative principles regarding the problems associated with MTBE. They recommended that Congress do the following: First, phase out or eliminate MTBE. I think that is a good idea. I am glad the administration has finally decided to take an official position on this issue.

Their second point, ensure air quality gains are not diminished, and I say right on. The reformulated gasoline program of the Clean Air Act has produced terrific reductions in automobile emissions. I am glad that the administration decided to take an official position on environmental positions.

Third, the administration said replace the 2 percent by weight oxygen requirement with a 1.2 percent by volume renewable fuels standard. Now, this is where I have some concerns.

The administration identified MTBE as the problem and also committed to ensuring air quality, but then it abandons the program which has produced air quality benefits for millions of Americans, the oxygen requirements of the Clean Air Act.

I want to read to you a quote from testimony submitted to the Committee on Commerce on May 6 by Bob Perciasepe, assistant administrator of air and radiation at the EPA who said, quote, ozone has been linked to a number of health effect concerns, ozone. Repeated exposures to ozone can make people more susceptible to respiratory infection, result in lung inflammation and aggravate preexisting respiratory diseases, such as asthma. Other health effects attributed to ozone exposures include significant decreases in lung function and increased respiratory symptoms, such as pain, chest pain and coughing.

Mr. Perciasepe continues, quote, reformulated gasoline is a cost effective way to reduce ozone precursors, such

as volatile organic compounds or nitrogen oxides when compared to other air quality measures.

The Clean Air Act amendments of 1990 required that reformulated gasoline contain 2 percent minimum oxygen content by weight. The first phase of the reformulated gasoline program from 1995 through 1999 requires average reductions of ozone forming volatile organic compounds and toxics of 17 percent each and of nitrous oxides by 1.5 percent.

His testimony continues, quote, in the year 2000, the second phase of the reformulated gasoline program will achieve even greater average benefits, a 27 percent reduction in volatile organic compounds, 22 percent reduction in toxics, and a 7 percent reduction in oxides of nitrogen emissions that also contribute to the formation of urban smog. This is equivalent to taking more than 16 million vehicles off the road.

Mr. Perciasepe finishes by saying ''reformulated gasoline provides these reductions at a cost of less than 5 cents per gallon.'' The reductions, Mr. Perciasepe outlined, were required in the Clean Air Act amendments of 1990; however, he continued to discuss the real world benefits of the reformulated gasoline program.

He said ''since 1995, reformulated gasoline on average has exceeded expectations for volatile organic compounds, nitrous oxides and toxic reductions. Most notably, overall, toxic reductions are about twice that required, with about a 30 percent reduction versus a 17 percent requirement. It is estimated that about two-thirds of the additional air toxic reduction is a result of the use of oxygenates.''

That is a significant reduction in emissions beyond what is required. In addition, when developing EPA's complex model for evaluating emissions, the Auto Oil Research Program found that oxygenates in gasoline reduce tailpipe emissions of carbon monoxide by 15 to 20 percent.

Why on earth, I ask you, would we want to abandon such a successful program? Why has the administration turned its back on sound scientific evidence that its own EPA administrators present to Congress? Well, I will tell you why. It is because the product of this vial, this stuff contaminates water.

Despite the administration's call for Congress to protect air quality advances in advocating an elimination of the oxygen standard, the administration is saying we must choose between clean air and clean water.

Mr. Speaker, we do not have to choose between clean air and clean water. We do not have to abandon the successful reformulated gasoline program because MTBE contaminates the water, just replace the MTBE with another oxygenate, a safe one, ethanol. Some of my colleagues and, evidently, the administration believe that MTBE and oxygen are synonymous.

Even 60 Minutes said ''how did MTBE end up in gasoline? Well, 10 years ago Congress told the oil companies to put it there, either MTBE or some other oxygenate that would make the gasoline burn cleaner.''

I want my colleagues in Congress, members of the administration and the media to understand a very important point, nowhere in the EPA regulations or in the Clean Air Act does it say that refineries must blend MTBE in their gasoline to comply with the requirements of the reformulated gasoline program.

It just so happens that refiners chose MTBE in large quantities to ensure compliance. Now, why did they do this? Well, because this product, MTBE, is an oil product. The refiners can make MTBE right in their existing facilities or they can purchase it from oil suppliers. The availability of this stuff compelled many to turn to it exclusively.

Now, I understand the economic motivation, but neither Congress, nor EPA required them to use MTBE. Refiners made that decision on their own, and it turns out it was a very bad decision.

Now, if you want to solve the MTBE problem, ban MTBE. The administration is on the right track in that regard. But when you remove MTBE and lift the oxygen requirement, you introduce a whole new set of environmental problems.

We have to fix real problems, like MTBE water contamination, we should not abandon real solutions, like oxygenated fuels.

Last month Dr. Michael Graboski, director of the Colorado Institute of Fuels and Higher Altitude Engineer Research, testified before the Committee on Commerce about the characteristics of oxygenated fuels. He told us that oxygenates in gasoline replace aromatics to increase the fuel's octane. That is a good trade-off, because aromatic compounds are highly toxic, and some, like benzene, are known human carcinogens. They cause cancer.

Dr. Graboski told us that if the oxygenate requirement is lifted, refiners will replace oxygenates with aromatics resulting in more potent toxic emissions. The level of potency measures the degree or strength to which certain compounds pose a risk to human health.

Dr. Graboski said ''the toxic potency of aromatics and their combustion byproducts are, in many cases, orders of magnitude greater than the potency of oxygenates or their combustion byproducts.'' To explain this he said ''all toxics are not created equal, but the mass standard of the Clean Air Act treats them as equal.

Let me be clear, the oxygen requirement in reformulated gasoline has a real and substantial benefit because clean burning oxygenates are substitutes for highly toxic aromatics.''

Well, to test Dr. Graboski's assertion that aromatics would be used to replace oxygen if MTBE were banned, I asked Mr. Bob Campbell, CEO of Sunoco, I asked Mr. Campbell if the oxygen requirement was waived and MTBE was phased out, what would you use in your gasoline to ensure emissions reductions do not rise? He responded, ''I would expect that the first hydrocarbon that would go in would be potentially some toluene.''

Mr. Speaker, toluene is one of those toxic aromatics that Dr. Graboski warned about. In summary, if we remove oxygenates from gasoline, refiners will replace them with aromatics. The emissions from many of these aromatics are cancer-causing. Furthermore, the toxics that are emitted from aromatics are more dangerous to human health than the toxics emitted from oxygenated fuels. So we should not regress to a market of gasolines with high aromatic content.

What does this all mean? It means if you want to solve the problem of water contaminated with MTBE, ban MTBE. If you want to maintain clean air, use oxygenated fuels. Fortunately, these are not mutually exclusive goals. We do not have to choose between clean air and clean water. The administration's legislative proposal makes a false choice. It does not solve the problem, but it potentially creates new problems.

□ 2300

So I have introduced legislation, along with the gentleman from Illinois (Mr. SHIMKUS) that solves this problem and, unlike the administration's proposal, does not create new ones. My bill, H.R. 4011, the Clean Air and Water Preservation Act of 2000, addresses the problems of MTBE in gasoline and in water, preserves the air quality benefits of the Clean Air Act, and promotes renewable ethanol.

Specifically, my bill will first, phase out MTBE in 3 years and urge refiners to replace it with ethanol. Ethanol is a much more environmentally friendly oxygenate than MTBE. Based on EPA's 1998 complex model comparing an 11 percent volume blend of MTBE with a 10 percent volume blend of ethanol, as used in the oxy-fuels program, we find that both products produce equivalent emissions reduction of aromatics, olefiants, volatile organic compounds and nitrous oxides. The toxic emissions of ethanol-blended gasoline are less potent than those emitted from MTBE-blended fuels. Using 1.00 as the potency for toxic emissions from nonoxygenated fuels, i.e. regular gasoline without any oxygenated compounds, the potency of MTBE computes to 0.94, while the potency of ethanol is 0.875. Ethanol is less toxic than MTBE in emissions.

Furthermore, when MTBE is spilled into water, it causes considerably more trouble. As I mentioned before, this vial, the small vial with an ounce or so can contaminate several Olympic-sized swimming pools. On another scale, one could take 1 gallon of this chemical,

just 1 gallon of MTBE and it will contaminate 26 million gallons of water. The high solubility of this compound, MTBE in ground water, causes its high mobility. It is also resistant to bio breakdown. This allows it to spread very quickly and it allows it to stay in the water for a long, long time.

On the other hand, ethanol does not have a negative effect on water quality. Its movement and persistence in ground water is controlled primarily through biodegradation and it rapidly breaks down in virtually any environment. Ethanol is a naturally occurring product; it is produced during the fermentation of organic matter; it has been found to occur naturally in lake sediments, the tissue of living and decaying plants, in sewage sludge and many other environments. Also, plants are known to metabolize ethanol and incorporate the carbon from ethanol into plant tissues. As a bio-based, naturally occurring product, ethanol represents an environmentally friendly alternative to this stuff, MTBE.

As we say in Iowa, Mr. Speaker, with ethanol, we can drink the best and we can drive the rest.

In order to replace MTBE in the Nation's fuel supply, the ethanol industry must produce about 3.1 billion gallons each year. That is the estimate. Last year, the industry estimated its production capacity at 1.8 billion gallons, but since then, several new plants have come on board, increasing capacity by several hundred thousand gallons and pushing the new capacity to above 2 billion gallons per year. It will not be difficult for many of the existing ethanol plants to increase their production. Ethanol processing units are modular and they can be expanded at relatively low cost.

With this ability to increase production, the ethanol industry would be able to satisfy the demands of the reformulated gasoline program by the time the bad stuff is phased out. Adequate transition time is necessary.

Besides replacing MTBE with ethanol, my bill would also address existing water contamination, as I mentioned earlier. Areas of this country are struggling to find clean water. Santa Monica must import all of its water because its own groundwater is contaminated. South Lake Tahoe is in the same dire straits. Long Island is surrounded by contaminated water. We cannot address the MTBE problem by only removing MTBE from gasoline. The MTBE contamination I mentioned in Iowa is relatively minimal compared to these other communities, but my own constituents are concerned also. My bill would direct the Federal Government to own up to its share of its responsibility and do what it can to help these communities figure out how to clean up the existing contamination.

Mr. Speaker, I have a copy of a memorandum from the U.S. EPA from 1987. At this time, EPA reported that ''Known cases of drinking water contamination have been reported in 4 States. These cases affect individual families as well as towns of up to 20,000 people. It is possible that this problem could rapidly mushroom due to leaking underground storage tanks at service stations. The tendency of MTBE to separate from the gasoline mixture into groundwater could lead to widespread drinking water contamination.''

Mr. Speaker, that is in this EPA memo from 1987. I submit this document for the RECORD.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC.

MEMORANDUM

Subject: Division Director Briefing for Methyl tert-Butyl Ether (MTBE)

From: Beth Anderson, Project Manager, Test Rules Development Branch (TS–778)

To: Addressees

Attached are the briefing materials for the course setting meeting on MTBE. The meeting is scheduled for Monday, April 13, 1987 in Room 103 of NE Mall at 11 am to noon. Please bring the attached information with you at that time.

Attachment.

METHYL TERT-BUTYL ETHER (1634–04–4) COURSE-SETTING RECOMMENDATIONS

(1) ITC recommendations: (Recommended with intent-to-designate November 1, 1986)

A. Health Effects:

(1) Chronic inhalation toxicity including neurotoxic, hematologic, and oncogenetic effects.

B. Chemical Fate:

(1) Monitoring studies to determine typical concentrations of MTBE in the breathing zone of workers and consumers at sites where MTBE-containing gasoline is being transferred, including gasoline terminals and service stations.

Rationale: The basis for these concerns was: the dramatic increase in T–MTBE production and use in the past few years. As lead is phased out, MTBE has filled the role of octane enhancer which is added to many gasoline blends. Workers and consumers are exposed to vapor emissions via skin contact and inhalation when transferring MTBE or MTBE-containing gasoline.

(2) TRDB Recommendations

A. Finding 4(a)(1)(B)

There was a production capacity of approximately 4 billion pounds for MTBE in 1986. At least two major companies are building new plants to produce MTBE. NIOSH estimates worker exposure at 2,571 workers, but it is unclear during what processes these workers are exposed. There are 189,200 ''private'' service stations and approximately 300,000 service station attendants, so exposure to MTBE vapor is greater than the NIOSH estimate.

Concern about MTBE in drinking water surfaced after the ITC report was published. Known cases of drinking water contamination have been reported in 4 states. These cases affect individual families as well as towns of up to 20,000 people. It is possible that this problem could rapidly mushroom due to leaking underground storage tanks at service stations. The tendency for MTBE to separate from the gasoline mixture into ground water could lead to wide spread drinking water contamination.

(3) Background information

A. Chemical Description

Methyl tert-butyl ether (or 2-methoxy-2-methyl propane) is a clear liquid with a vapor pressure of 245 mm Hg. The water solubility of MTBE has been estimated at 40,000 to 51,260 mg/L. The high value of the Henry's law constant, 5.8×10^{-4}, indicates that MTBE will volatilize from water. The estimated halflife of MTBE is 2.5 hours in a stream and 137 days in a 50 m deep lake. The halflife of MTBE in the air is estimated between 3 to 6 days based on the reaction of MTBE with hydroxyl radicals in polluted and normal atmospheres respectively.

B. Manufacturing Process and Use

MTBE is made from isobutylene and methanol in the presence of an acidic ion-exchange resin catalyst in the liquid phase at temperatures between 30–100°C and 7–14 atm. MTBE can be manufactured in either a 1 or 2 stage reactor. Chemical Marketing Reporting estimated that MTBE production will grow 19% per year between 1985 and 1990. MTBE is used almost exclusively as an octane enhancer in unleaded gasoline. Typical MTBE content ranges from 2–8% by volume, although use of up to 11% by volume has been approved by EPA.

Minute quantities of MTBE have been used in an experimental procedure to dissolve gallstones using injection of MTBE through a catheter. MTBE is also used as a solvent in some liquid chromatography procedures.

Issues

(1) Mode of exposure for health effects testing.

ECAD recommends that the potential hazards due to dermal, oral and inhalation exposure be evaluated. Two 90-day subchronic tests, one by oral route, one by inhalation should be conducted. A pharmacokinetics study relating dermal, oral, and inhalation exposure should also be done. EPA will use the results of this testing to determine the route of exposure for the bioassay and remaining tests.

(2) ITC request for monitoring study to determine MTBE vapor concentrations at sites of MTBE-containing gasoline transfer.

ECAD does not recommend a monitoring study for MTBE vapor. ECAD believes that studies of gasoline vapor release can be combined with information on MTBE vapor concentration above MTBE-containing gasoline to estimate consumer exposure to MTBE vapor. Contacts with regional offices have been made to determine if there is regional interest in monitoring information.

(3) ECAD recommends adherance to the previous OTS policy of requiring the end points obtained in a two generation reproduction and fertility study. A single generation reproduction/fertility study by inhalation was submitted under TSCA 8(d).

Tests	Maxi–B	Full–B	8(d) Submissions	
			Adequate	Not adequate
Sub chronic	.....	X	.....	X
Oncogenicity	X	[1]X	.....	.....
Developmental Toxicity	X	X	?	.....
Reproduction and fertility	X	X	.....	X
Gene Mutation	X	X	?	.....
Chromosomal Aberrations	X	X	.....	.....
Neurotoxicity	X	X	.....	.....
Pharmacokinetics	X	.....	.....	X
Dermal Sensitization	X	X	.....	.....

[1] Trigger.

Mr. GANSKE. Mr. Speaker, because the EPA knew the potential for widespread MTBE water contamination back in 1987, I think it shares some responsibility in helping States remedy contaminated water supplies. Therefore, my bill raises the importance of MTBE within the Safe Drinking Water Act and directs EPA to provide technical assistance to States for the removal of MTBE from water. It is essential that these communities receive some support in their efforts to reclaim their drinking water supplies.

My bill would also address concerns about the volatility of ethanol during warm weather months by allowing oxygen-averaging. Some opponents of ethanol have claimed that its higher volatility during warm months makes it inappropriate for use in some markets. The Clean Air Act amendments of 1990 required that refiners blend 2 percent oxygen by weight into all gasoline sold in the reformulated gasoline program. However, when enacting the law, the EPA inserted into the regulations a minimum per-gallon oxygen content requirement. Refiners have said this per-gallon requirement is too restrictive.

My bill, H.R. 4011, strikes that regulation in order to allow refiners flexibility in complying with the Clean Air Act. By providing refiners with that flexibility, they can decide how best to blend oxygen into their gasoline. They would be able to increase the gasoline content in high octane fuels and reduce it in lower octane fuels, as best fits their business plan. They would also be able to increase oxygen content during winter months and reduce it during summer months. As long as they averaged 2 percent content-by-weight through the year, they would be in compliance. This would help them address the volatility of ethanol during warm weather and maximize the blending formulations of their gasoline. However, when providing that flexibility, we must not allow emissions levels to increase. Therefore, my bill includes stringent anti-backsliding environmental protections.

Bob Perciasepe of the EPA testified that oxygenated fuels of the reformulated gasoline program have greatly exceeded the expectations for emissions reductions. Therefore, when we consider any legislation that amends this portion of the Clean Air Act, it is essential that we take these real-world achievements into consideration and ensure that emissions do not exceed those levels. The Clean Air and Water Preservation Act of 2000 raises the bar of the Clean Air Act emissions requirements to real-world, more environmentally sound levels being experienced in the reformulated gasoline program today.

□ 2310

At no time in reformulated gasoline areas will the emissions levels be allowed to exceed those currently achievable by fully oxygenated fuels. Therefore, while the bill gives refiners a flexibility to market a variety of fuel blends, it ensures that the air quality in the reformulated gasoline areas is not negatively impacted. That is sound environmental legislation.

Yet, controlling emissions is not sufficient. As I mentioned earlier, if we reduce the use of oxygenates in gasoline, refiners may add more aromatics. That is not acceptable. Therefore, H.R. 4011 prohibits refiners from increasing the aromatic content of gasoline above current levels.

Finally, H.R. 4011 directs the EPA and the Department of Energy to work on developing alternative oxygenates. Ethanol is a ready, viable alternative. But we can seek many different sources of oxygen.

I believe H.R. 4011 effectively solves the MTBE problem in both gasoline and water. It protects the environment. It promotes the expanded use of the renewable fuel ethanol. We do not have to choose between clean air and clean water. With ethanol, we can have both.

I think it is very important that we promote renewable fuels. By replacing MTBE with ethanol, as my bill does, we will greatly increase the use of renewable fuels in this country. Under this bill, the use of renewable ethanol would increase from 1.5 billion gallons last year to more than 3.1 billion gallons in the year 2004. That increased usage would be spread throughout the Nation benefiting air and water quality and reducing the use of fossil fuels.

The administration's proposal does not promote an expanded use of renewable fuels. It holds its use at the status quo. For example, if the administration's 1.2 percent average renewable content provision would be enacted into law, it would not increase the use of renewable fuels in America. Rather, it would set a floor for the use of renewable fuels below which the refining industry could not drop. Well, that floor is equivalent to the current level of renewable fuel used throughout the Nation. That is the status quo.

The administration's proposed 1.2 percent would be the average volume content of all gasoline sold throughout America, not just in reformulated gasoline areas. So the likely outcome would be a concentration in the use of ethanol and biodiesel in the Midwest with no discernible increase in the use of renewable fuels in other parts of the country. That would not greatly advance our energy security, nor expand the potential for a renewable market.

If the administration is truly sincere about promoting the use of renewable fuels like ethanol and biodiesel, it should simply encourage Congress and refiners to replace MTBE with ethanol. That would more than double the use of renewable fuels throughout the Nation rather than stagnating their use at our current levels. It would reduce our dependence on fossil fuels.

Those concerned with the human impacts on climate change and emissions of greenhouse gases should pay close attention to this. While the use of ethanol and gasoline has not been shown to significantly reduce emissions in greenhouse gases from automobiles, it does significantly replace the use of fossil fuel components in gasoline. That helps reduce the fossil fuel contribution to greenhouse gas emissions.

My bill would greatly enhance the market potential for renewable fuels. Expanding the role of ethanol is a vital component of renewable energy. This bill is the best way to accomplish this.

In addition to the environmental benefits of renewable fuels like ethanol, the Department of Agriculture has clearly demonstrated a positive impact on ethanol on America's agricultural community.

A report by the USDA details the benefits America's farmers will experience if we replace MTBE with ethanol. It would increase demand for corn by more than 500 million bushels per year. It would increase the average price of corn by 14 cents per bushel each year through the year 2010. It would create 13,000 new jobs by the year 2010. It would increase the average total farm cash receipts by an average of $1 billion each year.

It would significantly reduce the need for emergency agricultural assistance payments, something that my colleagues spoke about tonight when they were talking about the budget, or at least they should have. It would increase U.S. agricultural net export value by more than $200 million each year.

Mr. Speaker, I submit the USDA report for the RECORD, as follows:

ECONOMIC ANALYSIS OF REPLACING MTBE WITH ETHANOL IN THE UNITED STATES

This paper analyzes the effects of replacing MTBE with ethanol. The analysis assumes that the current Federal oxygen content requirement for reformulated gasoline (RFG) is continued. The following issues are examined: The effects on farm prices and net farm income; the effects on U.S. trade; the effects on employment in the United States; the effects on Department of Agriculture (USDA) farm program spending from increased demand for corn attributable to greater ethanol production; and the logistical issues associated with supplying substantial quantities of ethanol to new markets, including an assessment of the capacity for transporting and storing ethanol to meet the demands of these markets.

ASSUMPTIONS AND ANALYTICAL PROCEDURES

Although California has decided to phase-out MTBE by 2002, most other states have not taken any actions regarding the use of MTBE. This analysis assumes all MTBE in the United States is phased-out and replaced with ethanol. In order to allow for production capacity and other infrastructure adjustments, the phase-out is assumed to begin in 2000 and end in 2004 when all oxygen demand for the RFG and carbon monoxide (CO) markets is met with ethanol. In addition, the analysis assumes Congress maintains the oxygen standards adopted by the Clean Air Act Amendments of 1990; the current gasoline oxygen requirement in California for Federal RFG is maintained; all new ethanol capacity brought on comes from large dry mills; 90 percent of U.S. ethanol is produced from corn, with the remaining 10 percent produced from sorghum, barley, wheat, and waste products. The rate at which ethanol replaces MTBE is assumed to start out gradually and accelerate over time as the ethanol industry expands capacity to meet the increase in demand.

An economic model of the U.S. agricultural sector was used to estimate the effects of replacing MTBE with ethanol on the U.S. agricultural economy over the period 2000–2010. The econometric model, the Economic Research Service's Food and Agricultural Policy Simulator (FAPSIM), estimates production, use and prices of major crops and livestock products; retail food prices; and

net farm income. The method of analysis compares projections of market variables under a baseline that assumes continued use of MTBE with projections of those variables under the assumed 4-year phase-out of MTBE.

The baseline for the analysis is the President's FY 2000 Budget projections. The baseline assumes provisions of the Federal Agriculture Improvement and Reform Act of 1996 (1996 Farm Bill) continue through 2010. The baseline includes projections of farm prices, production, domestic use (including corn use for ethanol), exports, net farm income and food prices for the period 1999–2010.

The President's FY 2000 Budget projections are based on specific assumptions formulated at the end of last year regarding the macro economy, weather, and international developments. As a result, the baseline does not reflect the current very weak price situation for most major crops, including corn. However, over the next few years, crop prices are likely to improve as the world economy improves and as world grain and oilseed production declines in response to low prices and less favorable weather.

A 1992 input-output (I–O) multiplier model was used to estimate the effects of replacing MTBE with ethanol on U.S. employment. Data from the 1993 County Business Patterns (U.S. Department of Commerce) were used to estimate employment effects for the Corn Belt region.

MTBE PHASE-OUT SCENARIO

In 1998, about 1.5 billion gallons of denatured ethanol were consumed in the United States—about 384 million gallons were used in RFG and 1.1 billion gallons went to other markets such as the CO and octane markets (table 1). Before denaturing, corn-ethanol consumption equaled 1.3 billion gallons in 1998 and approaches 1.5 billion gallons in 2004 in the USDA baseline projections (table 2). In order to meet the oxygen needs met by MTBE, ethanol production under the MTBE phase-out would have to rise to 3.0 billion gallons in 2004. Some ethanol is assumed to be bid away from lower-value octane markets and move to RFG markets.

The volume of ethanol required in a gallon of RFG is less than MTBE volume because 5.7 percent ethanol replaces 11 percent MTBE, at 2 percent oxygen. The reduced volume of ethanol raises an issue of how the market will compensate for the volume reduction. This analysis concludes that refineries will replace volume and octane with increased alkylate production. Refiners with the processing capability will convert the isobutylene currently used for MTBE to alkylate. Alkylate has a high octane rating and can be used to produce premium gasoline. In addition, merchant producers looking for alternatives to MTBE production will purchase isobutylene from refineries and switch their MTBE production to alkylate. Thus, the feedstocks that were used to produce MTBE will remain in the gasoline pool in the form of alkylate. It is assumed that the current supply of isobutylene used in MTBE production is sufficient to produce enough alkylate to offset the volume shortage created by ethanol. Consequently, the analysis assumes the quantity of gasoline consumed in the United States is the same under the baseline and the MTBE phase-out scenario.

FARM EFFECTS

The MTBE phase-out is projected to increase the amount of ethanol produced from corn by 72 million gallons in 2000 and by 1.4 billion gallons per year in 2010 (table 2). The increase in ethanol production would increase the demand for corn above baseline by 28 million bushels in 2000 to over 500 million bushels per year beginning in 2004. The analysis assumes all of the increase in corn-ethanol production occurs in new dry mills, which produce 2.6 gallons of ethanol per bushel of corn, and 17 pounds of distillers dried grains (DDG) with 27-percent protein. DDG are assumed to substitute for soybean meal on an equivalent protein basis (table 2).

The increase in ethanol demand resulting from MTBE's phase-out is projected to increase the average price of corn by about $0.16 per bushel in 2010 and about $0.14 bushel annually over the study period, 2000–2010 (table 3). Higher corn prices cause feed use of other crops to increase, leading to price increases of other grains, including sorghum, barley, oats, and wheat. Soybean prices are projected to decline by less than 1 percent. Higher corn prices reduce soybean production, but the decline in production is about offset by lower demand for soybean meal resulting from the increase in DDG production. Soybean oil prices increase in response to lower soybean production, but soybean meal prices fall in the face of increased competition in the protein feed market.

For cattle, hog and dairy producers, feed costs increase as higher corn prices more than offset the drop in soybean meal prices (table 3). In contrast, poultry, turkey, and egg producers feed a higher portion of protein in their rations, and for these producers, feed costs decline. Generally, the effects on feed costs are very modest and there is little change in livestock production and prices. Milk, steer and hog prices are 1 to 2 percent higher, whereas poultry prices are 1 to 2 percent lower on average over the 2000–2010 period.

Total farm cash receipts are projected to average $1.0 billion higher during 2000–2010 compared with the baseline (table 4). Corn cash receipts rise due to higher prices and more production (table 5). Over the period 2000–2010, cash receipts for corn average $1.2 billion higher and increase by over $1.6 billion, or about 9 percent, during 2010 (table 5). Cash receipts for other feed grains and wheat also increase. In contrast, slightly lower production (less than 2 percent) and lower prices reduce soybean cash receipts by an average of $315 million per year. Total livestock cash receipts increase by less than 0.1 percent (table 6). Annual net farm income is projected to average over $1.0 billion higher during 2000–2010. Cumulatively over the 2000–2010 period, net farm income increases by about $12 billion (table 4).

EFFECTS ON TRADE

The MTBE phase-out is projected to increase prices for corn and other agricultural commodities causing the average U.S. agricultural net export value to increase by about $200 million per year (table 7). The export value for grains and feeds increase by about $225 million per year, while the export value of oilseeds and oilseed products decline slightly. The export value of livestock and animal products remains nearly unchanged.

The MTBE phase-out is expected to eliminate MTBE imports, since one third of the MTBE currently consumed in the United States is imported. Based on Energy Information Administration (EIA) gasoline consumption projections, MTBE consumption is expected to increase about 2 percent per year without an MTBE phase-out. Assuming that the current price of MTBE (about $0.72 per gallon) will increase by almost 1 percent annually, the import value of MTBE would average about $1.1 billion per year. Thus replacing MTBE with ethanol would reduce import value by $1.1 billion per year and almost $12 billion from 2000–2010 (table 7). The net increase in agricultural exports combined with the decrease in MTBE imports is projected to result in an average annual positive increase in the U.S. balance of trade of $1.3 billion per year.

EMPLOYMENT EFFECTS

Input-output analysis indicates that employment from increasing ethanol production to 3.4 billion gallons (denatured) in 2010 would create 13,000 additional jobs across the entire economy. Over a third of the new jobs, or 4,300, would be in the ethanol sector itself. Another 6,400 jobs would be in the trade and transportation and service sectors. Farm sector jobs increase by 575. Jobs in other industry, food processing, and energy sectors also increase by another 1,600 in 2010.

The Corn Belt region produces almost 80 percent of U.S. ethanol production. Thus, 80 percent of the new jobs in ethanol production, or about 3,600 jobs, are expected to occur in this region. In addition, the MTBE phase-out would create about 700 jobs in trade and transportation, 500 jobs in other services, and 400 jobs in energy, food processing and other industries in this region. The potential loss of U.S. jobs from reducing MTBE imports were not estimated.

FARM PROGRAM COSTS

The increase in ethanol production with a MTBE phase-out would be eligible for the Federal excise tax exemption on gasoline, or equivalent tax credit, which would reduce federal tax revenues. The exemption is currently $0.54 per gallon and it is scheduled to drop to $0.53 on January 1, 2001, $0.52 on January 1, 2003 and $0.51 on January 1, 2005. Under the current law, the tax exemption expires on December 31, 2006.

Under the FY 2000 President's Budget baseline, farm crop prices are expected to strengthen from current levels, which results in increased ethanol use having little to no impact on the cost of farm price and income support programs during the projection period. While loan deficiency payments and marketing loan gains are currently forecast to reach $5.5 billion for the 1999 crops, these payments are projected to drop rapidly under the baseline after the current year under the projected price increases. And, since 1996 Farm Bill production flexibility contract payments are not tied to the level of market prices, these farm program costs do not fall as market prices for corn and other grains increase, compared with the baseline. However, farm prices are extremely volatile and farm prices and incomes could fall enough in the future to trigger loan deficiency payments and marketing loan gains and, possibly, emergency aid to offset declines in farm income. Higher corn and other grain prices under the MTBE phase-out would lessen the need for emergency relief and reduce loan deficiency payments and marketing loan gains should prices soften considerably from baseline levels. Where loan deficiency payments are being made, each $0.10 increase in corn prices could lower farm program outlays by about $1 billion per year.

TRANSPORTATION EFFECTS

Initially, ethanol is expected to be shipped by barge to the Gulf and distributed to fuel blenders through customary shipping channels. However, it is likely rail transport would play an increasing role as the demand for ethanol increases, and more rail connections between ethanol plants and refiners are developed. In the long term, several transportation options, including barge, rail, ocean vessels, and trucks would be available for moving ethanol. Given a period of 3–5 years, there appears to be no transportation impediment to the use of ethanol as a replacement for MTBE.

TABLE 1.—GASOLINE AND ETHANOL CONSUMPTION PROJECTIONS WITH MTBE PHASE-OUT [1]

Year	By billion gallons—projected [2] gasoline consumption	By million gallons—		
		Projected ethanol use in RFG (denatured) [4]	Projected [3] ethanol use in other markets (denatured) [4]	Ethanol production from all crops (denatured) [4]
1997	126	372	1,041	1,413
1998	125	384	1,142	1,526
1999	127	457	1,103	1,560
2000	132	514	1,170	1,684
2001	135	774	1,119	1,893
2002	137	1,403	918	2,321
2003	139	1,802	899	2,701
2004	141	2,347	784	3,131
2005	144	2,384	894	3,278
2006	146	2,419	858	3,277
2007	148	2,452	824	3,276
2008	149	2,510	791	3,304
2009	152	2,570	780	3,330
2010	153	2,627	729	3,356

[1] On an oxygen equivalent basis, 0.52 volume of ethanol replaces 1 volume of MTBE.

[2] Source: Energy Information Administration, Department of Energy. Total gasoline consumption is assumed to be the same under the baseline and under the MTBE phase-out.

[3] Ethanol use in other markets include CO market, State mandated markets and octane market.

[4] Ethanol is denatured with 5-percent gasoline.

Mr. Speaker, Congress paid approximately $22.7 billion in farm support programs last year. More than $15 billion of this was in emergency payments. We should pursue policies which will allow farmers to make a living off their land, not rely on government handouts.

A proposal which would hold the renewable fuels market to the status quo does not help farmers, as that report shows. Replacing MTBE with ethanol is a sensible agricultural policy we should enact, as well as a sensible environmental policy.

Now, several groups have reviewed the provisions of H.R. 4011 and have sent me letters expressing their reviews. I would like to share some of their comments with my colleagues.

The Renewable Fuels Association, the trade group that represents the domestic ethanol industry, writes: We are ''writing on behalf of the members of the Renewable Fuels Association to express the enthusiastic support of the domestic ethanol industry for Clean Air and Water Preservation Act of 2000. Your bill forthrightly addresses the growing national crisis of MTBE water contamination while preserving the air quality benefits of the RFG program and stimulating rural economies by increasing the demand for clean-burning fuel ethanol.''

''Clearly, the Clean Air and Water Preservation Act of 2000 meets'' these requirements. ''By phasing down MTBE use over three years, the bill protects water supplies of every citizen''. ''The bill's anti-backsliding provisions, particularly the cap on aromatics, assures'' air quality standards. ''The legislation also provides refiners with significant flexibility and encourages the development of alternative oxygenates so that the transition from MTBE can be made without disruptions in gasoline supplies or increases in prices.''

The National Corn Growers Association says: ''With oil prices at their highest levels in many years, it is clear that ethanol not only should be used because it benefits public health, but also because it reduces our dependence on foreign oil.''

We are writing ''on behalf of the 31,000 members of the National Corn Growers Association in support of your bill entitled the Clean Air and Water Preservation Act of 2000.''

The American Farm Bureau Federation sent the following bulletin to its State offices yesterday. They wrote that the ''Farm Bureau supports H.R. 4011, the Clean Air and Water Preservation Act, sponsored by Representative GREG GANSKE and Representative JOHN SHIMKUS.'' The bill phases out the use of MTBE in 3 years, provides assistance to States to clean MTBE pollution, provides refiners flexibility with the oxygen requirement, preserves air quality improvements under the Clean Air Act, and urges refiners to switch to ethanol as soon as possible. ''Similar legislation is contemplated in the Senate.''

Mr. Speaker, I include the letters and the Bulletin for the RECORD, as follows:

RENEWABLE FUELS ASSOCIATION,
Washington, DC, March 15, 2000.

Hon. GREG GANSKE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GANSKE: I am writing on behalf of the members of the Renewable Fuels Association to express the enthusiastic support of the domestic ethanol industry for the Clean Air and Water Preservation Act of 2000. Your bill forthrightly addresses the growing national crisis of MTBE water contamination while preserving the air quality benefits of the RFG program and stimulating rural economies by increasing the demand for clean-burning fuel ethanol.

As you know, I testified earlier this month before the House Commerce Subcommittee on Health and the Environment regarding the reformulated gasoline program and the need to address MTBE water contamination. I noted that the ethanol industry wants to be part of the solution, and outlined four principles that should guide congressional action: Develop a national solution; address the cause of the problem—MTBE; protect the environment, i.e., no backsliding; and, provide the necessary time and ''flexibility'' to allow refiners to make a rational transition to increased ethanol utilization.

Clearly, the Clean Air and Water Preservation Act of 2000 meets each of these objectives. By phasing down MTBE use over three years, the bill protects the water supplies of every citizen, not just those in certain states. The bill's anti-backsliding provisions, particularly the cap on aromatics, assures the current air quality benefits of the RFG program will be preserved. The legislation also provides refiners with significant flexibility and encourages the development of alternative oxygenates so that the transition from MTBE can be made without disruptions in gasoline supplies or increases in price.

Oil prices are rising to record levels. The farm economy continues to suffer. And water supplies from coast to coast are being jeopardized by the uncontrolled use of MTBE. Never has the need for ethanol been greater. We need to protect both air quality and precious water resources. With ethanol, and your legislation, we can. I look forward to working with you to see the Clean Air and Water Preservation Act of 2000 become law.

Sincerely,

ERIC VAUGHN,
President.

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, March 17, 2000.

Hon. GREG GANSKE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GANSKE: I am writing this letter on behalf of the 31,000 members of the National Corn Growers Association in support of your bill entitled the Clean Air and Water Preservation Act of 2000. Your bill embraces many of the principles NCGA believes are important if Congress is going to successfully address the problems surrounding MTBE water contamination across the country.

In addition, NCGA supports the principles in your bill that call for a national solution to the MTBE problem, protection of the environment and public health, and flexibility that allows markets to adjust as the demand for ethanol increases. We enthusiastically support this approach because it recognizes that ethanol is not part of the problem, it is part of the solution. We especially appreciate the support your bill gives to ethanol as a clean oxygenate in the reformulated gasoline program.

With oil prices at their highest levels in many years, it is clear that ethanol not only should be used because it benefits public health, but also because it reduces our dependence on foreign oil.

We appreciate your efforts and look forward to working with you on passage of this important legislation.

Sincerely,

LYNN JENSEN,
President.

GOVERNMENTAL RELATIONS BULLETIN—ACTION REQUESTED

March 21, 2000.

Re Clinton administration takes action on fuel requirements.

To: Presidents, Secretaries and/or administrators, coordinators of national affairs, directors of information, directors of commodity activities, coordinators of natural and environmental resources, area field service directors, park ridge and Washington office distribution.

From: Dick Newpher, Executive Director, Washington Office.

Yesterday, EPA Administrator Carol Browner and Agriculture Secretary Dan Glickman announced proposals that will reduce and ultimately eliminate the use of methyl tertiary butyl ether (MTBE) in reformulated fuels. MTBEs have been blamed in numerous cases of water pollution. The petroleum-based product currently has more than 80 percent of the market for oxygenate additives used in gasoline to comply with the Clean Air Act. Ethanol provides the remainder of the oxygenate additives used in the U.S.

The proposal outlines both a regulatory and legislative strategy. The EPA will proceed with a proposed notice of rulemaking and the Clinton Administration will push for statutory changes in the Clean Air Act to implement the announced changes.

The proposal outlined the following steps:

Amend the Clean Air Act to provide authority to reduce or eliminate the use of MTBE;

Assure that the goals of the Clean Air Act are not diminished; and,

The administration recommends that Congress replace the 2 percent oxygenate requirement in the Clean Air Act with a renewable fuel annual average content for all gasoline at a level that maintains the current use level of renewable fuel (1.2 percent of the gasoline supply).

The standard of 1.2 percent renewable fuels content would be a national average content

requirement and would NOT significantly increase the use of ethanol. A better scenario for the ethanol industry would be to retain the two percent oxygenate requirement under the current Clean Air Act because ethanol is the only viable alternative to MTBE. Additionally, there will be substantial political opposition in the Congress to any measure calling for a mandate on renewable fuel content.

AFBF will analyze the proposed rule when it is released sometime in the next few months. However, the main effort will be to work with members of Congress to move legislation that will eliminate MTBE and replace it with ethanol. Farm Bureau supports H.R. 4011, the Clean Air and Water Preservation Act, sponsored by Rep. Greg Ganske (R–IA) and Rep. John Shimkus (R–IL). The bill: (1) phases out the use of MTBE within three years; (2) provides assistance to states to clean MTBE pollution; (3) provides refiners some flexibility with the oxygen requirement; (4) preserves air quality improvements make under the Clean Air Act; and, (5) urges refiners to switch to ethanol as soon as possible. Similar legislation is contemplated in the Senate.

Action requested: State Farm Bureaus are requested to contact their members of the House to cosposnor H.R. 4011.

(Contact: Jon Doggett, jond@fb.org) F:/grb/ethanol00.321

Mr. Speaker, I have also received letters from the Iowa Farm Bureau Federation and the Illinois Corn Growers Association expressing support for H.R. 4011. I include those letters for the RECORD, as follows:

IOWA FARM
BUREAU FEDERATION
West Des Moines, IA, March 16, 2000.

Hon. GREG GANSKE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GANSKE: The Iowa Farm Bureau Federation supports your efforts to ban the use of MTBE and to preserve the oxygenate requirement under the Clean Air Act. The issue of MTBE's negative impact on water quality has elevated this issue in the public's eye. It is imperative that Congress take action to address these concerns.

We believe that a federal ban on MTBE use can be coupled with an expansion of ethanol use. Several states are pushing to waive their participation in the reformulated gasoline program under the Clean Air Act. Farm Bureau strongly opposes such efforts. We believe that ethanol is a good alternative to MTBE and that these states should be encouraged to replace their MTBE use with ethanol.

Your legislation ensures that Iowa farmers will continue to have a role in providing clean air by creating a stronger role for ethanol. We applaud your efforts and look forward to working with you to implement this legislation.

Sincerely,

ED WIEDERSTEIN,
President.

ILLINOIS CORN GROWERS ASSOCIATION,
Bloomington, IL, March 22, 2000.

Hon. — —
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN — — —: We would appreciate your consideration of co-sponsoring H.R. 4011. This bill addresses concerns which have surfaced concerning MTBE contamination of groundwater and continues to maintain a role for ethanol in the Reformulated Gasoline Program (RFG) of the Clean Air Act.

H.R. 4011 was introduced by Congressman Shimkus (IL) and Congressman Ganske (IA) and has bi-partisan support from downstate Illinois Congressmen co-sponsoring the Bill for the following reasons:

1. This bill addresses the problems with MTBE by banning MTBE within three years and requiring labeling of MTBE on gasoline dispensers in the interim. The Chicago City Council, led by the efforts of Alderman Bernard Hansen, has unanimously passed a resolution asking for a ban on MTBE use in our largest city because of the environmental implications.

2. This bill gives refiners flexibility in blending oxygen and meeting the oxygenate requirement of RFG without eliminating the requirement and hurting the ethanol market. Ethanol is critical to the success of the state's agricultural economy. Ethanol uses 160 million bushels of corn to supply the Chicago metro market alone. This market results in an additional 10 cents per bushel for all the corn sold in Illinois, according to the Illinois Resource Allocation Model. This sophisticated computer model is operated by the U of I Agricultural Economics Department.

3. Lastly, H.R. 4011 prohibits environmental backsliding by raising the standards on emissions reductions and prohibiting an increase in the use of gasoline aromatics (which can lead to cancer-causing particular emissions).

For these reasons, farmers in Illinois need your help. Please consider co-sponsoring H.R. 4011.

Sincerely,

LEON CORZINE,
President.

☐ 2320

Mr. Speaker, this is good agricultural policy. This is good environmental policy. Now, despite the benefits of ethanol for the Nation's air quality, water quality, and agriculture, some groups have decided to question ethanol. Those detractors include some well-known environmental groups, like the Sierra Club, the Natural Resources Defense Council, two groups that also consistently extol the virtues of renewable fuels. Well, let us go into this in some detail.

In yesterday's Washington Post a spokesperson from the NRDC said, ''Ethanol, when combusted forms formaldehyde and other by-products which pose potential public health threats.'' According to the article, some ''scientists'' claim that very few studies have been done on the health effects associated with inhalation of ethanol vapors. I would like to address these allegations.

First of all, ethanol does not produce formaldehyde. MTBE produces formaldehyde. NRDC sites as their reference a study submitted to the California legislature entitled ''An Evaluation of the Scientific Peer Review Research and Literature on the Human Health Effect of MTBE, its Metabolites, Combustion Products and Substitute Compounds.'' However, in another report, ''Air Quality Impacts on the Use of Ethanol in California Reformulated Gasoline,'' the California Environmental Protection Agency's Air Resources Board states, ''The major products of concern for ethanol are acetaldehyde and peroxyacetyl nitrate, an eye irritant. These compounds are offset by reductions in formaldehyde.''

Let me repeat that. The California Environmental Protection Agency directly contradicts a statement by the NRDC by saying that some products from the burning of ethanol produce acetaldehyde and certain nitrates, but that those compounds are offset by reductions in formaldehyde due to the elimination of MTBE. So it appears that NRDC was mistaken.

There have also been allegations that ethanol produces what is called ETBE, ethyl tertiary butyl, ether when run through a combustion engine. Once again, that is not true. Ethanol can be used to produce ETBE, but that would require additional components and a catalyst for a chemical reaction, and that does not occur in the internal combustion engine.

Associated with that statement is speculation that ethanol's increased volatility will increase hydrocarbon emissions, thereby posing an increased inhalation hazard. Well, Mr. Speaker, research evaluating ethanol blended fuel and nonethanol fuel has shown that while the evaporation rate for ethanol blended gasoline was increased, less hydrocarbon was volatilized relative to nonethanol fuel. It was determined the increased evaporation of ethanol blended fuel was due to the evaporation of the ethanol itself.

Another statement contained in yesterday's Post concerned health implications associated with the inhalation of ethanol. Well, Mr. Speaker, I am a physician. I have looked at this in some detail. Now, those ''some scientists'' may be right that there has not been a great amount of research done on the project, but ethanol is a naturally occurring compound which is found in very low levels in the blood and the breath of humans, even those who do not drink alcohol. The available scientific literature shows that there is a low risk of harm from ethanol inhalation. That can be attributed to the rapid metabolism of ethanol and the difficulty of significantly raising blood ethanol concentrations through breathing.

I have here a report by Cambridge Environmental Incorporated entitled ''Ethanol: A Brief Report on Its Use in Gasoline.'' Mr. Speaker, I would like to submit this for the RECORD at this point as well.

ETHANOL—BRIEF REPORT ON ITS USE IN GASOLINE

(By Sarah R. Armstrong, M.S., M.S.)

INTRODUCTION

The purpose of this short paper is to summarize information about ethanol's health and environmental effects, given ethanol's use as a fuel oxygenate. The conclusions are: (1) ethanol is readily degraded in the environment; (2) anticipated human exposures to ethanol are very low; and (3) voluminous information on metabolism of ethanol by humans, and on the health effects of ingested ethanol, strongly suggests that environmental exposures to ethanol will have no adverse health impact.

ENVIRONMENTAL BEHAVIOR

Recent reviews of the environmental behavior of gasoline oxygenates generally note

that ethanol is not likely to accumulate or persist for long in the environment. For example, the Interagency Assessment of Oxygenated Fuels (NSTC, 1997) observes that ethanol is expected to be rapidly degraded in groundwater and is not expected to persist beyond source areas. Ethanol in surface water is also expected to undergo rapid biodegradation, as long as it is not present in concentrations directly toxic to microorganisms (NSTC, 1997; Malcolm Pirnie, Inc., 1998). The half-life of ethanol in surface water is reported to range from 6.5 to 26 hours (Howard et al., 1991). Atmospheric degradation is also predicted to be rapid (Malcolm Pirnie, Inc., 1998).

In part, expectations of ethanol's degradability rely on experiments that use microcosms of groundwater and soil mixtures to demonstrate that ethanol is rapidly degraded both aerobically (100 mg/l in 7 days, Corseuil et al., 1998); and anaerobically (100 mg/l in 3 to 25 days, depending on conditions, Corseuil et al., 1998; 96 mg/l within 30 days, Suflita and Mormile, 1993; 100 mg/l within 14 days, Yeh and Novak, 1994). In these experiments, ethanol generally delays degradation of BTX, but not always, and some investigators (Corseuil et al., 1998) caution against generalizations about ethanol's effect.

HEALTH EFFECTS

Ethanol, the active ingredient of alcoholic beverages, has been part of the human diet—and the human environment—for thousands of years. It is produced by fermentation by fungi and other microorganisms, and is found at low levels in the blood and breath of persons who do not drink alcohol. Biological exposures and responses to ethanol are typically evaluated in terms of the blood concentrations, where the units of concentration are milligrams of ethanol per deciliter of blood, or mg/dl. Some blood ethanol concentrations (BEC) and associated effects are shown in Table 1. Endogenous blood levels of ethanol range from non-detectable to 0.02 mg/dl to 0.15 mg/dl (Jones, 1985; Lester, 1962). A typical alcoholic beverage contains 12 g of alcohol, corresponds to a dose of about 170 mg/kg for a 70-kg adult, and produces a peak blood ethanol concentration on the order of 25 mg/dl. Legal limits on blood alcohol for drivers of vehicles are typically 80-100 mg/dl.

Ethanol is widely ingested in alcoholic beverages, usually with only mild effects. However, at sufficiently high doses, ethanol can cause toxic effects in humans, both short-term (such as inebriation) and long-term (such as cirrhosis of the liver). If ethanol becomes a common fuel additive, there may be opportunities for exposure by inhalation: ethanol vapors might be inhaled at gasoline stations or in automobiles, for example. Thus, concern has been raised about the possible health consequences of using ethanol for this purpose.

The scientific literature contains virtually no reports of injury to humans from inhaled ethanol. The apparent lack of harm may be attributable to rapid metabolism of ethanol and the difficulty in significantly raising blood ethanol concentrations by inhalation exposure, which keep internal doses extremely low except in unusual situations, such as heavy exercise in the presence of concentrated vapors. The occupational standard for ethanol in air is 1000 ppm (1900 mg/m^3) on an eight-hour basis. The occupational experience with ethanol in air appears to be favorable: no symptoms at levels below 1000 ppm are reported: at this or higher concentrations, ethanol vapor causes eye and upper respiratory tract irritation, fatigue, headache, and sleepiness (ACGIH, 1991; Clayton and Clayton, 1994). No reports regarding chronic exposure of humans to ethanol vapors have been located.

Laboratory animals, chiefly rats, have been subjected to inhalation exposure in a variety of experiments, most investigating aspects of central nervous system or developmental toxicity. The majority of exposures have been short-term, of less than two weeks, but many of these were continuous. The study of longest duration, 90 days, also used the lowest concentration of ethanol, 86 mg/m^3 (45 ppm); otherwise, experimental designs typically produced atmospheres of thousands of mg/m^3 (or ppm), frequently in order to develop ethanol dependence. Blood ethanol concentrations were often, but no always, determined. The great majority of BEC measurements were above 100 mg/dl.

The paucity of direct evidence regarding the possible effects of inhaled ethanol does not mean, however, that the possible consequences are unpredictable. In fact, the data strongly suggest that exposure of the general public to ethanol vapors coming from oxygenated gasoline is very unlikely to have any adverse consequences. While there is little, if any data, on the toxicity of ingested ethanol itself in humans, it is generally accepted that the vast literature on the effects of alcoholic beverages is highly relevant. Alcohol abuse is a significant medical and social problem, and is the impetus for most research into ethanol toxicology, both in humans and Experimental animals. A consequence of this is that little experimental data address the levels of internal exposure that can be reasonably anticipated to result from using ethanol as an oxygenate. A second motivation for experimental work in ethanol is fetal alcohol syndrome (or fetal alcohol effects) which, in theory at least, could be caused by relatively brief maternal exposures to ethanol during pregnancy.

Since ethanol's important toxic effects require that the material first enter the bloodstream, one can evaluate inhalation exposures in terms of the blood alcohol concentrations they would produce. Prediction of BEC following exposure to ethanol vapors must consider several factors; (a) the concentration of ethanol in air, (b) the duration of exposure, (c) breathing rate, (d) absorption of ethanol across the lungs, and (e) the body's elimination rate of ethanol. Two of these factors are more or less constant in every situation. Experiments in humans have shown that from 55% to 60% of inhaled vapors are absorbed into the bloodstream (Kruhoffer, 1983; Lester and Greenberg, 1951). The rate of clearance of ethanol from the blood (V_{max}) is about 15 mg/dl/hr (Pohorecky and Brick, 1987) but may be as high as 23 mg/dl/hr (Holford, 1987); these rates correspond to elimination of 83 mg/kg/hr to 127 mg/kg/hr, or about 6 to 9 g of ethanol per hour for an adult. For comparison's sake, it should be noted that a single alcoholic drink contains about 12 g of ethanol (IARC, 1988).

As long as a person's intake of ethanol does not exceed V_{max}, blood alcohol levels will stay low. In table 2 are shown the intake rates for ethanol inhaled under a variety of conditions, assuming absorption across the lungs of 55 % and a standard body weight of 70 kg. In bold type are intakes above 83 mg/kg/hr, the lower estimate of alcohol clearance: exposure under these conditions could lead to an accumulation of ethanol in the blood and a rising BEC. Under the other conditions given, the body's ability to eliminate ethanol is not exceeded, and BEC levels would remain below toxic levels.

The calculations suggest that exposure to ethanol vapors that are irritating to the eyes and mucous membranes, while uncomfortable, would not cause a significant rise in BEC in persons at rest. As actively increases, ethanol increases, but vapor concentrations would need to exceed the occupational limit by a substantial margin in order to cause a rise in BEC. Some experimental work demonstrates that significant uptake of ethanol through the air is unusual, or difficult, as shown in Table 3. Moderate activity in the presence of irritation vapors is required.

POSSIBLE INHALATION EXPOSURES TO ETHANOL DUE TO USE IN GASOLINE

Opportunities for inhalation exposure of the general public to ethanol used as gasoline oxygenated include vapors inhaled while fueling vehicles and ambient air. The first sort of exposure would be relatively brief, no more than five minutes, perhaps, while the second could last for many hours. These scenarios are considered in more detail below.

Very limited investigations of personal exposures during refueling have so far failed to detect ethanol, where detection limits were 50 ppm or less (HEI, 1996). If refueling involved five-minute exposures at the occupational limit of 1,000 ppm, an adult might receive an ethanol dose of 0.13 g (about 2 mg/kg). Such an exposure might increase BEC by about 0.3 mg/dl, at most. Exposure to such a high level of ethanol is unlikely. The Health Effects Institute evaluated hypothetical exposures of 1 ppm for three minutes and 10 ppm for 15 minutes, and determined that incremental changes in BEC would be insignificant (HEI, 1996).

Data on ambient air concentrations of ethanol are few. The average ambient level in air in the city of Porto Alegre, Brazil, where 17% of vehicles run entirely on ethanol, is 12 ppb (0.023 mg/m^3) (Grosjean et al., 1998). The lowest concentration of ethanol tested for toxicity in animals was almost 4,000-times greater than this (86 mg/m^3, 45 ppm). A person might receive half a milligram of ethanol per day from ambient air containing 12 ppb of ethanol, a negligible dose.

OTHER HEALTH EFFECTS ISSUES

Some of ethanol's known or suspected toxic effects have not been, or can not be, quantified in terms of BEC. Fetal alcohol syndrome (FAS), for example, is constellation of physical and mental deficiencies in children linked to maternal alcohol ingestion. Risk of FAS is a function of alcohol intake during pregnancy: the frequency of this syndrome is twice as great for children of heavy drinkers as for children of moderate or non-drinkers (Schardein, 1993). While it may be prudent to abstain from alcohol during pregnancy, a risk from daily consumption of less than 30 g of alcohol has not been proved (Schardein, 1993). Cancer of certain organs has been observed to occur at elevated rates in some groups of drinkers—the World Health Organization, for example, has linked alcohol consumption to cancer of the oral cavity, pharynx, esophagus, larynx, and liver (IARC, 1988). In almost all of the studies, risks were observed among alcoholics or were seen to increase with consumption.

Finally, if we look to human experience with alcohol consumption for information regarding toxic effects of ethanol, it is fair also to look at the evidence for possible health benefits. Numerous epidemiologic studies have observed that light-to-moderate drinkers of alcohol have lower mortality rates than either alcohol abstainers or heavy drinkers. Reduced mortality is due to decrease rates of fatal coronary heart disease and cardiovascular disease. To be sure, the picture is complicated, varying by sex, age, and disease risk factors, and competing causes of death. We are not suggesting that low-level exposures to ethanol due to its use as an oxygenate is desirable. At the least, however, the apparent beneficial effects of alcohol (or ethanol) for some cohorts should be recognized.

CONCLUSION

It is highly unlikely that exposure to airborne ethanol associated with gasoline use

could produce toxic effects. The reasons for this are (a) the tiny doses that might be received, which might not be observable in light of endogenous levels of ethanol in blood, (b) the body's rapid elimination of ethanol, and (c) the relatively large doses of ethanol and high blood levels of ethanol associated with toxic effects in people. No data in the scientific literature support the hypothesis that chronic exposure to non-irritating levels of ethanol in air could cause significant elevation of BEC (unless exposed individuals are exercising at the time), or that a risk of cancer or birth defects would be created. A recent survey of the literature regarding the inhalation toxicity of ethanol by the Swedish Institute for Environmental Medicine reached similar conclusions, namely that ''a high blood concentration of ethanol is needed for the development of adverse effects'' and ''ethanol at low air concentrations should not constitute a risk for the general population (Andersson and Victorin, 1996).

TABLE 1.—ETHANOL DOSE-RESPONSE DATA

BEC (mg/dl)	Observation	Reference
0.02–0.15	Endogenous (i.e. natural) level	Jones, 1985; Lester, 1962.
50	Central nervous system stimulant; talkativeness; relaxation	Pohorecky and Brick, 1987.
100	Legal limit for automobile drivers in many states	
>100	Central nervous system depressant; decreased sensory and motor function; decreased mental and cognitive ability	Pohorecky and Brick, 1987.
110	No effect on heart function	Pohorecky and Brick, 1987.
140	No effect on cerebral blood flow; effects occur above this level	Pohorecky and Brick, 1987.
300	Stupefaction	Pohorecky and Brick, 1987.
400	Possible lethal level	Pohorecky and Brick, 1987.

TABLE 2.—INTAKE RATE OF ETHANOL UNDER VARIOUS EXPOSURE CONDITIONS

Ventilation rate (l/min)	Intake rate of ethanol (mg/kg/hr) when the concentration in air is (mg/l)				
	1.9 (occupational standard)	5	10 (causes coughing and eye irritation; adaptation occurs)	20	30 (causes continuous lacrimation)
6 (rest)	5	14	28	57	85
25 (moderate activity)	22	59	118	236	354
40 (heavy activity)	36	94	189	377	566
50 (very heavy activity)	45	118	236	471	707

TABLE 3.—EXPERIMENTAL STUDIES OF VAPOR UPTAKE BY HUMANS

Ventilation rate (l/min)	Concentration of ethanol in air (mg/l)	Duration of exposure (hrs)	BEC (mg/dl)	Symptoms	Reference
Rest (approx. 6)	1.9	3	<0.2	None reported	Campbell and Wilson (1986).
15	15		Steady at 7–8	Vapors irritating but adaptation occurred; no intoxication	Lester and Greenberg (1951).
22	16	6	47 and rising	Vapors irritating but adaptation occurred; no intoxication	Lester and Greenberg (1951).
Rest (approx. 6)	Maximum of 17 average approx. 9	2.5	<5	Vapors irritating but adaptation occurred; no intoxication	Mason and Blackmore (1972).

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Mr. GANSKE. Mr. Speaker, that report succinctly addresses the health risks associated with ethanol inhalation, and I would like to read a couple of excerpts from the report.

The occupational standards for ethanol in air is 1,000 parts per million on an 8-hour basis. No symptoms at levels below 1,000 parts per million are reported. At this or higher concentrations, ethanol vapor may cause eye and upper respiratory tract irritation, fatigue, headache or sleepiness.

But then it goes on to say,

Data strongly suggests that exposure to the general public to ethanol vapors coming from oxygenated gasoline is very unlikely to have any adverse consequences.

Ethanol vapors only affect the health of an individual if the blood ethanol content reaches a level associated with intoxication. Most definitions of legal intoxication are about 80 milligrams per decaliter. In order for that to occur, the inhalation rate of ethanol vapors would have to exceed the rate at which the body eliminates ethanol from the blood stream. Conservative estimates place that elimination rate at 83 milligrams per kilogram per hour.

Tests show that within the occupational standard ethanol concentration level of 1.9 milligrams per liter, a person could engage in heavy activity with a ventilation rate of 50 liters per minute and still only intake vapors at a rate of 45 milligrams per kilogram per hour, far below the rate of blood metabolism. Only when the concentration of ethanol in the air begins to significantly increase does the intake rate begin to supercede the elimination rate.

According to these studies, even concentrations that would irritate the eyes would not cause a significant rise in blood ethanol concentrations. Only under highly elevated concentration levels, combined with at least moderate activities would the blood ethanol concentration exceed the elimination rate. The real world experience shows that that is just not going to happen.

A study done in Brazil, which uses ethanol in almost all of its gasoline, indicates that the ambient air concentrations of ethanol are far below the occupational standard of 1,000 parts per million. In fact, in Porto Alegre, where 17 percent of vehicles run on 100 percent ethanol, the ambient air concentration

is only 12 parts per billion. The lowest concentration of ethanol tested for toxicity in animals was 4,000 times greater than this concentration.

We can rest assured that ethanol inhalation will not be a health problem, Mr. Speaker.

There are several other allegations circulating about the negative attributes of ethanol, and I would like to address a couple of these today. Some have said that ethanol is not energy efficient. I beg to differ.

I have a report issued by the Department of Agriculture's Office of Energy in July 1995 that says ethanol produces 25 percent more energy than is required to make it. This estimate incorporates the energy required to till the fields, plant the corn, run the combine to harvest the product, mill the corn and produce the ethanol. A 25 percent net energy gain.

Another study, this one by the Institute for Local Self-reliance, says the net energy gain is higher than that. If you take into consideration all energy inputs required to grow corn, like fertilizer, pesticide, irrigation, transport, and process it into one gallon of ethanol, total energy inputs are about 81,000 Btus. In return, one gallon of ethanol provides about 84,000 Btus of energy.

But if you also consider the energy associated with other by-products of ethanol production, such as high protein feed grain, total energy output potential is about 111,000 Btus, or a 38 percent net energy gain.

□ 2330

That is based on industry averages. Furthermore, that study reported that if farmers are using state-of-the-art agriculture practices, they can significantly reduce their own energy inputs and they can raise the net energy gain to 151 percent.

Mr. Speaker, ethanol is a very energy efficient product. Now, some have argued that ethanol makes no sense outside of the Midwest because it is difficult and expensive to transport. Now, it is true that transporting ethanol by pipeline may not be an option.

But the Department of Agriculture's report, which I mentioned earlier and is now a part of the RECORD, details the likely distribution of ethanol. ''Given a period of 3 to 5 years, there appears to be no transportation impediment to the use of ethanol as a replacement for MTBE.''

The most likely distribution scenario is that corn ethanol from the Midwest would travel by freighter or by rail. But I have to remind any colleagues that corn is not the only product being converted into ethanol, and the Midwest is not the only potential source for ethanol production. Ethanol is being produced from 27 different raw materials throughout the Nation. It can be produced by cellulose, bio-mass, municipal waste.

In California there is a product to convert rice straw into ethanol, thereby providing an alternative to sending that by-product to landfill. The potential, Mr. Speaker, is enormous.

But even while those other sources are being developed and perfected, we have evidence that ethanol can be transported successfully throughout the Nation. Getty Petroleum proves that.

Last year, Getty switched its 1,200 stations located throughout 12 northeast States from MTBE to ethanol in a transition which the company described as ''seamless.''

Getty wrote to California Governor Gray Davis in September 1999. They said,

> Virtually every one of our terminals is capable of receiving gasoline products, including ethanol, by either rail or barge. Receiving products in this way as opposed to pipeline shipment is not problematic. I can tell you, for example, that receiving water-borne tank-loads of ethanol is no different from receiving water-borne shipments of gasoline. It is done all the time and represents no additional burden to gasoline marketers. Blending equipment for gasoline additives exists at every fuel terminal in the country. Merely augmenting those systems to allow for ethanol blending is neither complex nor time consuming. I see no reason why my experience in the northeast is unique and could not be duplicated in California.

Well, Mr. Speaker, Getty's experience tells us ethanol can be supplied throughout the Nation. In addition, I have learned of experiments in which petroleum companies are trying to pipe ethanol. To do that and to prevent water absorption, they send a slug of gasoline followed by a slug of ethanol followed by another slug of gasoline. The components are then blended near the point of final dispersion.

This may be a new method for transporting ethanol. But we have to remember, the petroleum industry is very innovative, they will find a way. But I would like to ask my colleagues to consider one thing. What happens if we continue to ship MTBE by pipeline, and let us say that pipeline breaks somewhere and we have thousands, maybe tens of thousands, of gallons of MTBE soaking into the ground and contaminating the water? That would be an environmental disaster.

Finally, let me say a third of MTBE use in America comes from the Middle East. I find it hard to believe that transporting MTBE from Saudi Arabia is more cost effective and less difficult than transporting ethanol from Iowa. And with ethanol, we do not need to station a carrier, battle group on the Mississippi River to protect our supplies.

Some have also claimed that ethanol will ruin modern vehicle engine components. That is just baloney. Studies have shown the use of ethanol in motor fuels does not produce mechanical problems. In fact, currently all vehicle manufacturers approve the use of up to 10 percent ethanol blended fuels. Modern fuel system components are designed to ensure that they are compatible with a wide range of fuel formulations.

In fact, the oil company Mobil says that ethanol keeps fuel injection systems clean so they perform better.

Mr. Speaker, this brochure issued by Mobil discusses many of the benefits associated with ethanol blended fuels. Some of the key points conclude ethanol is safe to use in any type of engine. Ethanol will help vehicles run in the winter. Ethanol produces significant reductions in both carbon monoxide and hydrocarbon tailpipe emissions. Using ethanol blended fuel is one of the easiest ways you can help reduce air pollution and our dependence on foreign oil.

Mr. Speaker, this is a brochure put out by Mobil. It says, ''why is ethanol good for your car?'' Well, the oil industry has spoken and it is clear that it believes that ethanol is a good fuel additive.

I would like to note, since ethanol was introduced in the late 1970s, Americans have driven more than 2 trillion miles with ethanol renewable fuel.

Mr. Speaker, the MTBE clean water/clean air quandary requires a comprehensive and sensible approach. It is not just one issue. It is several issues. My bill addresses them all. It phases out MTBE in 3 years and replaces it with ethanol. H.R. 4011 helps States clean up existing MTBE water contamination. It protects air quality by raising the standards for emissions and aromatic content. It spurs the development of additional oxygenates to ensure continued water and air quality. It contributes to our energy security by promoting the expansion of domestically produced renewable energy. It is the solution that this Congress has been looking for for many years.

Mr. Speaker, I include for the RECORD this Mobil brochure:

WHY IS ETHANOL GOOD FOR YOUR CAR?

Did you know . . .

Last year over 10% of all gasoline in the United States contained ethanol.

Fuel with 10% ethanol has been certified by the Environmental Protection Agency to reduce carbon monoxide emissions by up to 30%.

Since 1981, over 152 billion gallons of ethanol blends have been used in the United States. With an average mileage of 20 mpg, that is over 3 trillion miles of proven experience with ethanol blends.

Mobil goes to great lengths to ensure that we deliver to you the best quality gasoline available—with or without ethanol. All of our gasoline meets or exceeds the specifications of the federal government and the American Society for Testing and Materials. In many cases we will use ethanol to oxygenate our gasoline in order to help meet clean air goals and reduce emissions. Like our customers, we believe in doing our part to protect our planet's natural resources and our environment.

Ethanol . . . Engine friendly, Clean burning, American made . . . Power.

Q. How will ethanol affect my engine?

A. Ethanol is safe to use in any type of engine. Ethanol is covered under warranty by every automaker that sells cars in the United States. It's safe to use in your car, truck, motorcycle or any other engine. In fact, many automakers actually recommend reformulated gasolines like those that contain ethanol.

Tests have concluded that ethanol does not increase corrosion, nor will it harm any seals or valves.

Q. Will ethanol plug my fuel filter?

A Generally no. You can feel safe using ethanol. Ethanol is a very clean burning fuel that has some detergent properties.

These detergents work to reduce build-up and keep your engine running smooth. In fact, using ethanol may even improve the performance of your vehicle.

Q. How will ethanol affect my fuel injection system?

A. Ethanol helps keep fuel injection systems clean so they perform better. Problems with fuel injection plugging are the result of dirty fuel—not ethanol. Some gasolines today do not, by themselves, contain enough detergent additive. Therefore, ethanol is also valuable as a cleaning agent that helps prevent problems.

Q. Will using ethanol help me during the winter?

A. Yes. The ethanol recommended for use in motor fuels is an anhydrous, or water-free additive. It absorbs moisture and helps prevent gas-line freeze-up in cold weather. It works much like gasline antifreeze that some motorists add to their gas tanks in the winter.

Using ethanol-blended fuel in the winter means you won't need to add expensive and possibly harmful additives to your fuel. Ethanol in your gasoline will protect your vehicle from gas-line freeze-up.

Q. Does ethanol help reduce air pollution?

A. Yes. There is a significant reduction in both carbon monoxide and hydrocarbon tailpipe emissions when ethanol is used. Many cities and states across the nation take advantage of the environmental benefits of ethanol provides. These cities include Chicago, Denver, Milwaukee and Minneapolis.

Ethanol is used in virtually every state in the nation, from Alaska to Florida and from California to New York. For the United States, ethanol-blended fuels offer the promise of cleaner air. Ethanol is an abundant new source of energy for the future that also helps conserve natural petroleum resources.

Q. What is ethanol?

A. Ethanol is a clean burning, renewable, domestically produced product made from fermented agricultural products such as corn.

Ethanol contains oxygen, which helps gasoline burn cleaner and more efficiently. When used in vehicles, ethanol reduces all types of emissions including carbon dioxide—a major contributor to global warming.

Although burning ethanol releases carbon dioxide during its production and combustion, the crops that ethanol is produced from absorb that carbon dioxide. So, during ethanol production, greenhouse gases do not build up in the envirnoment—they are naturally recycled.

Q. What does research say about ethanol-blended fuels?

A. The American Institute of Chemical Engineers compared ethanol fuel to straight gasoline. In a published report, the institute said ethanol was ''very similar in driving characteristics to straight gasoline, except that pre-ignition and dieseling (run-on) are noticeably reduced and acceleration can be improved'' with ethanol.

The report continued, ''Ethanol should be looked at as an octane enhancer. Mixing it with gasoline in a 9 to 1 ratio improves the octane rating about three octane numbers.'' There have been many other tests of ethanol during the past 20 years. Those tests found ethanol completely safe to use in all types of engines.

THE CLEAN AIR CHOICE

Using ethanol-blended fuel is one of the easiest ways you can help reduce air pollution and our dependence on imported oil. While many solutions for improving our nation's air quality are being debated, ethanol is here today. Using ethanol-blended fuels in your car, outboard motor, lawnmower, chainsaw, snowmobile and other small engines can make a difference now.

Mr. Speaker, Congress should pass this bill. We would be making good sound policy decisions. We would be benefiting America's environment. We would be helping America's farmers, and we would be addressing our Nation's energy needs.

I urge my colleagues to join me in supporting a comprehensive solution that does not force us to choose between clean air and clean water. I urge my colleagues to cosponsor H.R. 4011. I will be happy to share any additional information with them.

□

RECESS

The SPEAKER pro tempore (Mr. KUYKENDALL). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□

□ 0317

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 3 o'clock and 17 minutes a.m.

□

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 290, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2001

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–535) on the resolution (H. Res. 446) providing for consideration of the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States government for fiscal year 2000, and setting forth appropriate budgetary levels for each of the fiscal years 2002 through 2005, which was referred to the House Calendar and ordered to be printed.

□

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILL of Indiana (at the request of Mr. GEPHARDT) for today after 12 p.m. on account of personal reasons.

Mr. DOOLITTLE (at the request of Mr. ARMEY) for March 21 on account of attending a funeral.

Mr. BEREUTER (at the request of Mr. ARMEY) for today after 5 p.m. on account of official business.

□

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mrs. WILSON) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, March 28.

Mr. BURTON of Indiana, for 5 minutes, March 29.

□

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 97. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; to the Committee on Commerce.

□

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes a.m.), the House adjourned until today, Thursday, March 23, 2000, at 10 a.m.

□

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6714. A letter from the Associate Administratior, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Changes in Producer District Boundaries [Docket No. FV00–993–1–FIR] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6715. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Changing the Term of Office and Nomination Deadlines [Docket No. FV00–955 2 FIR] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6716. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Streamlining of Regulations for Real Estate and Chattel Appraisals; Correction (RIN: 0569–AF69) received March 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6717. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of

Tinker Air Force Base (AFB), Oklahoma has conducted a cost comparison to reduce the cost of the Civil Engineering functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6718. A letter from the Secretary of Defense, transmitting the Fiscal Year 1999 report on Purchases From Foreign Entities; to the Committee on Armed Services.

6719. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting Final Funding Priorities—Rehabilitation Engineering Research Centers and Model Spinal Cord Injury Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6720. A letter from the Assistant General Counsel for Regulations, Special Education & Rehabilitative Services, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 2000–2001 for Certain Centers—received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6721. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District [CA 200–0217; FRL–6550–4] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6722. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2000–17: to Provide Emergency Disaster Assistance in Southern Africa, pursuant to 22 U.S.C. 2318(a)(2); to the Committee on International Relations.

6723. A letter from the Assistant Secretary-Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (RIN: 1090–AA71) received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6724. A letter from the Director, Financial Services, Library of Congress, transmitting the United States Capitol Preservation Commission Annual Report for the fiscal year ended September 30, 1999; to the Committee on House Administration.

6725. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 030100D] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6726. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Adjustment in the Opening Date of the Recreational Seasons from Point Arena to the U.S.-Mexico Border [Docket No. 990430113–913–01; I.D. 02220E] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6727. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/''Other flatfish'' Fishery Category by Vessels Using Trawl Gear and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 030200B] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90–85B Series Turbofan Engines [Docket No. 2000–NE–06–AD; Amendment 39–11619; AD 2000–05–10] (RIN: 2120–AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals [Docket No. 98–CE–88–AD; Amendment 39–11621; AD 98–21–21 R1] (RIN: 2120–AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher GmbH & Co. Model ASW–27 Sailplanes [Docket No. 99–CE–70–AD; Amendment 39–11609; AD 2000–04–26] (RIN: 2120–AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200, -200PF, and -200CB Series Airplanes Powered by Rolls-Royce RB211–535C/E4/E4B Turbofan Engines [Docket No. 2000–NM–67–AD; Amendment 39–11618; AD 2000–05–09] (RIN: 2120–AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA 318C, SA.319B, SE 3130, SE.3160, and SA 3180 Helicopters [Docket No. 99–SW–76–AD; Amendment 39–11620; AD 2000–05–11] (RIN: 2120–AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98–NM–193–AD; Amendment 39–11581; AD 2000–03–21] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, -200, and 747SP Series Airplanes [Docket No. 98–NM–339–AD; Amendment 39–11582; AD 2000–03–22] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S 206H, and T206H Airplanes [Docket No. 2000–CE–07–AD; Amendment 39–11583; AD 2000–04–01] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Models DC–3 and DC–4 Series Airplanes [Docket No. 99–NM–139–AD; Amendment 39–11585; AD 2000–04–03] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hoffmann Propeller Co. H027() and HO4/27 Series Propellers [Docket No. 98–ANE–64–AD; Amendment 39–11592; AD 2000–04–10] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes [Docket No. 99–NM–256–AD; Amendment 39–11587; AD 2000–04–05] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cameron Balloons Ltd. (Thunder & Colt) Titanium Propane Cylinders, Part Number (P/N) CB2380 and P/N CB2383 [Docket No. 2000–CE–08–AD; Amendment 39–11594; AD 2000–04–12] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6740. A letter from the Deputy Administrator, General Services Administration, transmitting the Report of Building Project Survey for the Food and Drug Administration Consolidation in Suburban Maryland, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

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REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 89. Resolution recognizing the Hermann Monument and Herman Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage (Rept. 106–534). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 446. Resolution providing for consideration of the concurrent resolution (H. Con. Des. 290) establishing the congressional budget for the United States government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 (Rept. 106–535). Referred to the House Calendar.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCCOLLUM:

H.R. 4051. A bill to establish a grant program that provides incentives for States to

enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H.R. 4052. A bill to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN (for himself, Mr. SMITH of New Jersey, Mr. BEREUTER, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. GOODLING, Mr. HYDE, Mr. GILLMOR, Mr. MCHUGH, Mr. ARMEY, Mr. DELAY, Mr. YOUNG of Florida, Mr. SPENCE, Mr. RADANOVICH, Mr. COOKSEY, Mr. MANZULLO, Mr. SOUDER, Mr. DOOLITTLE, Mr. MICA, and Mr. TRAFICANT):

H.R. 4053. A bill to authorize assistance to the countries of southeastern Europe for fiscal year 2001, to authorize assistance for democratization in Serbia and Montenegro, to require equitable burdensharing in multilateral assistance programs for southeastern Europe, and for other purposes; to the Committee on International Relations.

By Mrs. BIGGERT:

H.R. 4054. A bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GOODLING (for himself, Mr. MCKEON, Mr. MARTINEZ, Mr. KILDEE, Mr. BALLENGER, Mr. HOEKSTRA, Mr. GREENWOOD, Mr. NORWOOD, Mr. HILLEARY, Mr. EHLERS, Mr. UPTON, Mr. MCINTOSH, Mr. GRAHAM, Mr. DEAL of Georgia, Mr. FLETCHER, Mr. ISAKSON, and Mr. VITTER):

H.R. 4055. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010; to the Committee on Education and the Workforce.

By Mr. BISHOP:

H.R. 4056. A bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mrs. MORELLA, Ms. PELOSI, Mr. WAXMAN, Mr. BONIOR, Mr. COBURN, Mr. STARK, Mr. LANTOS, Mr. HALL of Ohio, Mr. GREENWOOD, Mr. ENGLISH, Mr. NEAL of Massachusetts, Mr. GEORGE MILLER of California, Mr. HINOJOSA, Mr. INSLEE, Mr. BENTSEN, Mrs. MEEK of Florida, Mr. GREEN of Texas, Mr. LEWIS of Georgia, Mr. ANDREWS, Mr. WYNN, Mrs. THURMAN, Mrs. WILSON, Mr. FROST, Mr. GONZALEZ, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Mrs. LOWEY, Mr. BAIRD, Ms. RIVERS, Mr. MCDERMOTT, Mr. TRAFICANT, and Mr. BILBRAY):

H.R. 4057. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on International Relations.

By Mr. BURR of North Carolina:

H.R. 4058. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CAMPBELL (for himself, Mr. UDALL of New Mexico, Mr. GILLMOR, Mr. HALL of Texas, and Mr. HUTCHINSON):

H.R. 4059. A bill to establish a system for businesses engaged in electronic commerce to adopt, and certify their compliance with, internationally recognize principles concerning the collection, use, and dissemination of personal information, and for other purposes; to the Committee on Commerce.

By Mr. DEAL of Georgia:

H.R. 4060. A bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia; to the Committee on Transportation and Infrastructure.

By Mr. JEFFERSON (for himself, Mr. FROST, Mr. ROGAN, Mr. MCDERMOTT, Mr. TOWNS, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mrs. MEEK of Florida, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. BISHOP, Mrs. MINK of Hawaii, Mrs. MCCARTHY of New York, Mr. CLYBURN, Mr. WYNN, Ms. MCKINNEY, Ms. PELOSI, Mr. FORD, Mr. HASTINGS of Florida, Mr. OWENS, Ms. LEE, Mr. SCOTT, Mr. WATT of North Carolina, Ms. CARSON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. MATSUI, Mr. HAYWORTH, Mr. HILLIARD, Mr. MEEKS of New York, Ms. BROWN of Florida, and Mr. TANNER):

H.R. 4061. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 4062. A bill to amend the Fair Labor Standards Act of 1938 to repeal the exemption from the overtime requirements of such Act for employees of motor carriers; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. DIXON, Mr. BROWN of Ohio, Ms. ROYBAL-ALLARD, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. EVANS, Mr. FROST, Mr. KIND, Mrs. MINK of Hawaii, Ms. DANNER, Mr. BONIOR, Ms. LEE, and Mr. VENTO):

H.R. 4063. A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; to the Committee on Resources.

By Mr. MORAN of Kansas (for himself and Mr. POMEROY):

H.R. 4064. A bill to amend the Internal Revenue Code of 1986 to exclude from net earnings from self-employment certain payments under the conservation reserve program; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 4065. 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 Mrs. MCCARTHY of New York (for herself, Mr. CONYERS, Mr. BLAGOJEVICH, Mr. PASCRELL, Mrs. MORELLA, Mrs. LOWEY, Ms. DELAURO, Mr. WEINER, Mr. DELAHUNT, Ms. ESHOO, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. KENNEDY of Rhode Island, Mr. STARK, Mr. CARDIN, Mr. NADLER, Ms. NORTON, Mr. WYNN, Mr. SERRANO, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. HOEFFEL, Mr. MEEHAN, Mrs. NAPOLITANO, Mr. ACKERMAN, Mr. VENTO, Ms. BROWN of Florida, Mrs. TAUSCHER, Ms. WOOLSEY, Ms. CARSON, Mr. EVANS, Mrs. MINK of Hawaii, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, and Mr. MOORE):

H.R. 4066. A bill to enhance the enforcement of gun violence laws; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Con. Res. 292. Concurrent resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China; to the Committee on International Relations.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. METCALF, Mr. SHIMKUS, and Mr. THOMAS.

H.R. 53: Mr. SESSIONS.

H.R. 148: Ms. DELAURO and Mrs. CUBIN.

H.R. 324: Mr. KILDEE.

H.R. 353: Mr. SCHAFFER, Mr. BLUNT, and Ms. DEGETTE.

H.R. 355: Ms. GRANGER.

H.R. 410: Mr. FRANK of Massachusetts.

H.R. 415: Ms. SCHAKOWSKY.

H.R. 518: Mr. SKEEN.

H.R. 568: Ms. DELAURO.

H.R. 583: Mr. GILMAN, Mrs. MINK of Hawaii, and Mr. STARK.

H.R. 632: Mr. CANADY of Florida, Mr. TRAFICANT, Mr. HAYWORTH, and Mr. GANSKE.

H.R. 816: Mr. BILBRAY.

H.R. 837: Ms. SCHAKOWSKY.

H.R. 838: Mr. DAVIS of Virginia and Mrs. MORELLA.

H.R. 840: Ms. CARSON.

H.R. 860: Ms. CAPPS.

H.R. 864: Mr. STENHOLM, Mr. NORWOOD, Mr. VITTER, Mr. BACA, and Mr. COOKSEY.

H.R. 923 Ms. SCHAKOWSKY.

H.R. 927: Mr. GARY MILLER of California.

H.R. 1041: Mr. CANADY of Florida, Mr. BARR of Georgia, Mr. BLUNT, Mr. WATTS of Oklahoma, Mr. LUCAS of Oklahoma, Mr. WATKINS, Mr. COMBEST, Mr. HYDE, Mr. ROHRABACHER, Mr. RYUN of Kansas, and Mr. WHITFIELD.

H.R. 1046: Mr. CANADY of Florida.

H.R. 1055: Mr. SPENCE.

H.R. 1093: Mr. STENHOLM and, Mr. MOLLOHAN.

H.R. 1102: Mrs. JONES of Ohio.

H.R. 1103: Mr. WEINER and Ms. WOOLSEY.

H.R. 1113: Mr. SIMPSON, Mr. GIBBONS, Mrs. CHENOWETH-HAGE, and Mr. PETERSON of Pennsylvania.

H.R. 1216: Mr. HILLEARY and Mr. COYNE.

H.R. 1260: Mr. POMBO.

H.R. 1271: Ms. LOFGREN.

H.R. 1294: Mr. TANCREDO, Mrs. THURMAN, and Mr. DELAY.

H.R. 1304: Mr. STENHOLM.

H.R. 1358: Mr. WEYGAND.

H.R. 1367: Mr. PHELPS.

H.R. 1495: Mrs. MALONEY of New York, Mrs. NAPOLITANO, and Mr. DEUTSCH.

H.R. 1505: Mr. CRAMER.

H.R. 1510: Ms. WOOLSEY.

H.R. 1532: Mr. BRADY of Pennsylvania.

H.R. 1573: Mr. PAUL.

H.R. 1625: Mr. DOYLE and Ms. BROWN of Florida.

H.R. 1728: Mr. SMITH of Washington and Mr. HOLDEN.

H.R. 1785: Mr. WEINER.

H.R. 1795: Mr. VITTER, Mr. SCHAFFER, Mr. WOLF, and Ms. NORTON.

H.R. 1806: Ms. CARSON, Mr. GEJDENSON, and Ms. DELAURO.
H.R. 1837: Mr. HYDE.
H.R. 2002: Ms. ROYBAL-ALLARD, Mr. BACHUS, and Ms. MCCARTHY of Missouri.
H.R. 2059: Mr. GREEN of Texas and Mr. EVANS.
H.R. 2101: Mr. DICKEY.
H.R. 2129: Mr. KINGSTON and Mr. DEUTSCH.
H.R. 2141: Mrs. NAPOLITANO.
H.R. 2175: Mr. OWENS.
H.R. 2267: Mr. CANNON and Mr. HOUGHTON.
H.R. 2308: Mr. COOKSEY.
H.R. 2335: Mr. JONES of North Carolina.
H.R. 2341: Mr. WELDON of Pennsylvania and Mr. KILDEE.
H.R. 2416: Mr. BLUNT.
H.R. 2420: Mr. WELLER, Mr. NEAL of Massachusetts, Mr. BOEHNER, Mr. KLECZKA, Mr. GARY MILLER of California, Mr. HUNTER, and Mr. SKEEN.
H.R. 2511: Mr. NORWOOD and Mr. GILMAN.
H.R. 2624: Mr. WU, Ms. MCKINNEY, and Mr. BLAGOJEVICH.
H.R. 2631: Mr. PRICE of North Carolina.
H.R. 2686: Mr. KUCINICH.
H.R. 2749: Mr. GALLEGY and Mr. FORBES.
H.R. 2768: Mr. SALMON and Mr. WYNN.
H.R. 2771: Mr. OWENS and Mr. WEINER.
H.R. 2789: Mr. GREEN of Texas.
H.R. 2814: Mr. BERMAN, Ms. WOOLSEY, and Ms. LOFGREN.
H.R. 2827: Mr. SOUDER.
H.R. 2842: Mr. STARK.
H.R. 2856: Mr. PRICE of North Carolina.
H.R. 2892: Mr. WEXLER and Mr. PORTMAN.
H.R. 2901: Mr. JOHN.
H.R. 2919: Mr. HASTINGS of Florida.
H.R. 2955: Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. SANDERS, Mr. BALDACCI, Ms. DELAURO, Mr. CLAY, Ms. KILPATRICK, Mr. BONIOR, Mr. KUCINICH, Mr. LAMPSON, Ms. HOOLEY of Oregon, and Mr. OWENS.
H.R. 2966: Mr. EDWARDS.
H.R. 2987: Mr. OSE.
H.R. 3004: Mr. PALLONE, Mr. HOEFFEL, Mr. MATSUI, Mr. HALL of Ohio, Mr. SHERMAN, Mr. BORSKI, Mr. COYNE, and Ms. PELOSI.
H.R. 3032: Mr. BILBRAY, and Mr. GEJDENSON.
H.R. 3059: Mr. MORAN of Virginia.
H.R. 3087: Ms. SCHAKOWSKY.
H.R. 3193: Ms. SCHAKOWSKY, Mr. WATT of North Carolina, and Mr. BONIOR.
H.R. 3195: Mr. WU and Mr. DEUTSCH.
H.R. 3198: Mr. ADERHOLT.
H.R. 3249: Mr. GUTKNECHT and Mr. LAFALCE.
H.R. 3315: Mr. POMEROY, Ms. CARSON, and Ms. SCHAKOWSKY.
H.R. 3396: Mr. BILBRAY, Mr. THOMPSON of California, Mr. LANTOS, Mrs. CAPPS, and Mr. BECERRA.
H.R. 3433: Mr. COOKSEY, Mr. STUPAK, and Mr. NADLER.
H.R. 3439: Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. WOLF, Mr. LUCAS of Kentucky, Mr. SAWYER, Mr. BLAGOJEVICH, Mr. LIPINSKI, and Mr. SCHAFFER.
H.R. 3489: Mrs. CUBIN.
H.R. 3514: Mr. GOODE.
H.R. 3544: Mr. LAMPSON.
H.R. 3571: Ms. SCHAKOWSKY, Ms. RIVERS, and Mr. GREEN of Texas.
H.R. 3573: Mr. EDWARDS, Ms. SCHAKOWSKY, and Ms. WOOLSEY.
H.R. 3575: Mr. KING and Ms. DANNER.
H.R. 3580: Mr. PALLONE, Mr. DEUTSCH, Mr. LAHOOD, Mr. PHELPS, Mr. DAVIS of Illinois, Mr. ADERHOLT, Ms. ESHOO, Mr. ENGLISH, Mr. BLUNT, Mr. GILMAN, Mr. LOBIONDO, Mr. EVANS, Mr. STUPAK, Ms. DANNER, Mr. RUSH, Mr. SHERWOOD, Mr. COYNE, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. VELAZQUEZ, Mr. FRANKS of New Jersey, Mr. KLINK, Ms. DELAURO, Mr. ALLEN, Mr. WATKINS, Mr. BLAGOJEVICH, Mr. KILDEE, Mr. JACKSON of Illinois, Mr. BONIOR, Mr. BORSKI, and Mr. KANJORSKI.
H.R. 3581: Mr. WEINER, Ms. DEGETTE, and Mr. RANGEL.
H.R. 3608: Mrs. TAUSCHER and Mr. BARCIA.
H.R. 3614: Mr. HASTINGS of Florida, Mr. STUMP, Mr. HILLIARD, Mr. THOMPSON of California, Mr. MATSUI, Mr. LEWIS of Kentucky, and Mr. BACHUS.
H.R. 3624: Mr. LUCAS of Kentucky and Mr. MASCARA.
H.R. 3631: Mr. FRANK of Massachusetts, Mr. FROST, Mr. MATSUI, and Mrs. THURMAN.
H.R. 3634: Ms. MILLENDER-MCDONALD and Ms. SCHAKOWSKY.
H.R. 3661: Mr. COBLE and Mr. BURTON of Indiana.
H.R. 3663: Mr. HOUGHTON.
H.R. 3686: Ms. JACKSON-LEE of Texas.
H.R. 3688: Mr. BLUMENAUER.
H.R. 3692: Mr. MCINTOSH.
H.R. 3694: Mr. SCHAFFER and Mrs. MYRICK.
H.R. 3712: Mr. WALSH.
H.R. 3732: Ms. BERKLEY, Mr. MANZULLO, Mr. UNDERWOOD, Mr. PICKERING, Mr. INSLEE and Mr. COBURN.
H.R. 3765: Mr. RAHALL, Mr. WAXMAN, Mr. MATSUI, Mr. KLINK, Mr. LEVIN, Mr. STRICKLAND, Mr. GEORGE MILLER of California, and Mrs. THURMAN.
H.R. 3816: Ms. SCHAKOWSKY and Mr. BONIOR.
H.R. 3819: Mrs. TAUSCHER and Mr. GOODLING.
H.R. 3825: Mr. MCDERMOTT and Mr. STARK.
H.R. 3826: Mrs. CLAYTON.
H.R. 3842: Mr. DOYLE, Mr. MEEHAN, Mr. GEJDENSON, Mr. FROST, and Mr. KLINK.
H.R. 3844: Mr. KOLBE.
H.R. 3887: Mr. MCGOVERN, Mrs THURMAN, Mr. DEUTSCH, and Mr. LEWIS of Georgia.
H.R. 3895: Ms. BALDWIN.
H.R. 3905: Mr. TANNER and Mr. WATKINS.
H.R. 3916: Mr. COYNE, Mr. KOLBE, Mrs. CUBIN, Mr. BILBRAY, Mr. NUSSLE, and Mr. HAYWORTH.
H.R. 3998: Ms. SCHAKOWSKY.
H.R. 4003: Mr. SHAW.
H.R. 4004: Mrs. TAUSCHER and Mr. COX.
H.R. 4011: Mr. TRAFICANT and Mr. GILCHREST.
H.R. 4017: Mr. COSTELLO and Mrs. THURMAN.
H.R. 4025: Mr. PAUL and Mr. KOLBE.
H.R. 4033: Mr. DELAHUNT, Mr. SOUDER, Mr. GEJDENSON, Mrs. CAPPS, Mr. MORAN of Virginia, Mr. TAYLOR of Mississippi, Ms. DELAURO, Mr. LAFALCE, Mr. BALDACCI, Mrs. THURMAN, Mr. COYNE, Mr. BERMAN, Mr. OXLEY, Mr. KILDEE, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. BLAGOJEVICH, Mrs. MINK of Hawaii, Mr. TRAFICANT, Mr. BUYER, and Mr. JOHN.
H.R. 4041: Mr. LAFALCE, Mr. HANSEN, and Ms. NORTON.
H.R. 4042: Mr. LAFALCE, Mr. HANSEN, Ms. NORTON, Mrs. MORELLA, and Mr. INSLEE.
H. Con. Res. 30: Mr. SOUDER.
H. Con. Res. 58: Mr. BROWN of Ohio, Mr. WOLF, and Mr. SPRATT.
H. Con. Res. 77: Mr. MCCOLLUM.
H. Con. Res. 115: Mr. RAHALL.
H. Con. Res. 182: Mr. MEEKS of New York.
H. Con. Res. 209: Mr. DAVIS of Illinois, Mr. RANGEL, Ms. NORTON, and Mr. COYNE.
H. Con. Res. 220: Ms. SCHAKOWSKY and Mr. BONIOR.
H. Con. Res. 229: Mrs. MORELLA, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. LIPINSKI, Mr. PASTOR, Mr. MCGOVERN, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, and Mr. ROMERO-BARCELO.
H. Con. Res. 275: Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. DINGELL, Mr. ENGLISH, Mr. LANTOS, Mr. ACKERMAN, Mr. FROST, Mr. CAMPBELL, Mr. STARK, and Ms. STABENOW.
H. Con. Res. 283: Mr. BONIOR and Mr. COYNE.
H. Res. 187: Ms. PELOSI.
H. Res. 320: Mr. SCHAKOWSKY.
H. Res. 332: Mr. SMITH of Washington.
H. Res. 388: Mr. MANZULLO.
H. Res. 415: Ms. PELOSI, Mr. PALLONE, and Mr. ABERCROMBIE.
H. Res. 421: Mr. SCHAFFER.
H. Res. 429: Mr. NADLER, Mr. FROST, Mr. DOYLE, Mr. RANGEL, Mr. BERMAN, and Mr. FILNER.

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DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 36: Mr. BRADY of Texas.

United States
of America

Congressional Record

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

Vol. 146 WASHINGTON, WEDNESDAY, MARCH 22, 2000 *No. 33*

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, in this quiet moment, we seek the ultimate joy of life. We come to abide simply in Your presence. We would not interrupt what You have to say to us with our chatter. We need You more than anything that You can provide for us. Make us as ready to listen as we are to talk. You have created us for communion with You. We thank You for speaking to us in our souls. Now we hear what You have to say to us: We are loved, forgiven, and cherished by You. You have plans for us: A personal will for each of us and a will for our Nation. Bless the Senators now as they wait on You. Inspire us to follow their leadership as far as they follow You. We open our minds and hearts to receive You, our Lord, our Saviour, Peace, and Power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Delaware.

SCHEDULE

Mr. ROTH. Mr. President, today the Senate will immediately begin the final 15 minutes of debate on H.R. 5, the Social Security earnings bill. By previous consent, the Senate will proceed to a vote on final passage of the bill at approximately 10 a.m. Following the vote, the Senate will begin a period of morning business of 2 hours with the time controlled by Senators BYRD, MURKOWSKI, and DURBIN. For the remainder of the time, the Senate is expected to begin debate on the crop insurance legislation. However, negotiations regarding amendments and debate time are ongoing, and if no agreement can be made, the Senate may turn to any Legislative or Executive Calendar items available for action.

I thank my colleagues for their attention.

MEASURES PLACED ON CALENDAR—S. 2262 AND S. 2263

Mr. ROTH. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 2262) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

A bill (S. 2263) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

Mr. ROTH. Mr. President, on behalf of the majority leader, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

Mr. ROTH. Mr. President, what is the order of business?

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test on individuals who have attained retirement age.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate equally divided for closing remarks.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, it has been agreed that I will begin these brief remarks in order that our chairman might conclude the debate and proceed to the vote which I think has every prospect of being prodigious in its majority.

We have heard the compelling arguments to eliminate the so-called earnings penalty for persons 65 years and older. There is a short-term cost that is followed by a long-term payback, if you like, such that in a 20- to 30-year period the Social Security trust funds will not in any way be affected. The present practice is to decrease benefits to persons who continue working after their technical retirement age is reached, and then to compensate them after they reach age 70 or stop working. It is a complicated calculation. It is a cause of much distress, if you like, within the Social Security Administration—about $100 million a year just in sorting out the claims. It is not understood. There is the elemental fact that, although at 65 if you continue to work you know you will get back your benefits, that is in actuarial terms. For the cohort of several million persons, it will all be evened out. You may not be. So why not get rid of this archaic complexity? It is a remnant of Depression legislation of the 1930s.

In that regard, however, we do have the question attending the long-term deficit of the Social Security system. Yesterday our friend from Arizona, Senator MCCAIN, spoke eloquently

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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about that matter, having raised it during his primary campaign on his side of the aisle. Senator KERREY spoke with equal eloquence. Senator MCCAIN was kind enough to note legislation that Senator KERREY and I have introduced in this matter.

In very short order, I would simply like to recapitulate the four simple steps which put Social Security on an actuarially sound basis for the next 75 years. They are:

No. 1, provide for an accurate cost-of-living adjustment. In 1996, the Boskin Commission originally estimated that the CPI overstates changes in the cost-of-living by 1.1 percentage points; now they say it is 0.8 of a percentage point.

No. 2, normal taxation of benefits.

No. 3, extend coverage to all newly hired State and local workers.

I might interject, if ever there was a holdover from the 1930s, it was this. It was not clear at that time whether the Federal Government could tax a State entity, so they were left untaxed. A great many workers in civil service positions pay no taxes on their principal jobs, but qualify for benefits from ''side'' jobs, and it is just not fair. We are not taking away anything, but just covering newly hired workers like everyone else.

No. 4, increase the length of the computation period from 35 to 38 years.

We now have a 75-year, long-term actuarial deficit of 2.07 percent. This would bring that down by 2.05 percent, leaving an inconsequential .02 percent over the 75-year period.

These are data based on actuarial calculations and they are clearly within our capacity. Let us hope one day we do it before it becomes too late. That time will come sooner than you may think.

Mr. President, I ask unanimous consent the table be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELIMINATING SOCIAL SECURITY'S LONG-TERM DEFICIT

[Numbers expressed as a percent of payroll][1]

Long-term (75 year) actuarial deficit	2.07
Reduction in deficit due to:	
0.8 percentage point cost of living correction	−1.16
Normal taxation of benefits	[2] −0.43
Extend coverage to all newly hired State and local workers	[3] −0.21
Increase length of computation period from 35 to 38 years	−0.25
Total reduction in deficit	−2.05

[1] Estimates are based on the intermediate assumptions of the 1999 Trustees Report and ignore interactions among the provisions.

[2] Social Security benefits would be treated like income from a private pension so that benefits that are attributed to employer contributions and interest earnings would be subject taxed, while benefits attributed to employee contributions would not be taxed. Currently, benefits are taxed only if income exceeds certain thresholds and, depending on some complex formula, only up to 50 or up to 85 percent of the benefit is subject to taxation.

[3] This is the rule that applied to newly hired Federal workers in 1984 and thereafter.

Mr. MOYNIHAN. Mr. President, I look forward to the statement of our revered chairman, who is going to have a historic triumph this morning.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, first let me thank and congratulate my distinguished colleague, the senior Senator from New York, for his leadership throughout the years on this most important domestic program, Social Security. There is no program of greater importance and interest to the American people than Social Security. The distinguished Senator, Mr. MOYNIHAN, as I said, throughout his career has played a critical role in the development, the preserving, and the strengthening of this important program. I thank him and congratulate him.

As Senator MOYNIHAN pointed out, the Senate is now turning to the vote to repeal the Social Security earnings limit, an important step in preparing Social Security for the 21st century. This repeal is good for seniors, it is good for America, and it is good government. As we have heard, the Social Security earnings limit was enacted 65 years ago to encourage older persons to retire during the Great Depression. But today, with Americans living longer, and the tightest labor market in 30 years, this rule is not only outdated, but it harms both our senior citizens and the economy.

Repealing the earnings limit will help improve the retirement security of seniors by giving them the choice to work longer and to save more. Abolishing the earnings limit will allow us to protect the Nation's economic gains of the past 17 years by encouraging our Nation's most experienced workers to continue working, not only for today but into the future.

Finally, repealing the earnings limit is just plain good government. It will save the Social Security Administration money and reduce very common, frustrating mistakes in calculating benefits. So let me say, I urge each Senator to support this bill.

I am happy to yield the remaining time to the distinguished assistant leader of the majority.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. NICKLES. Mr. President, I compliment my colleagues, Senator ROTH and Senator MOYNIHAN because they work so well together.

Today, we are going to pass something that will have a positive impact on millions of Americans. I say millions—some people say there are only 800,000 people who are currently paying the Social Security earnings penalty. There are millions of people who want to work, maybe have to work, but basically their taxes are so punitive that they cannot work; it does not make sense to work. Their taxes are so high they have to work more for government than they work for themselves.

These are senior citizens, not particularly wealthy people. You can be a senior citizen and have, as an individual, an earned income of $30,000. You are in the 28-percent tax bracket. Because of the earnings penalty on Social Security, that is an additional 33-percent tax bracket. Add those two together and you are at 61 percent. You have to pay Social Security tax. If you are self-employed, you add 15 percent to that. That is 76 percent, and you have not even paid taxes to the State. For most States, that is 6 or 7 percent.

You can have a marginal tax rate of 80 percent; you work four times more for the Government than you do for yourself. That is way too high. This 33-percent penalty for seniors between the ages of 65 and 70 who want to have earned income—maybe need to have earned income—is long past overdue for repeal.

I am delighted that today we are going to fulfill what the House has done. I compliment Chairman ARCHER in the House. I compliment Chairman ROTH and Senator MOYNIHAN. I remember Senator MCCAIN speaking on this issue for years. I remember Senator ASHCROFT making tireless speeches, saying we need to repeal the earnings penalty.

Over the years, we have raised the amount people can save before the penalty takes effect, but the penalty still takes effect for any income above $17,000. The real solution is to repeal it. That is what we are going to do today. We are going to open up economic opportunity for millions of Americans who are at age 65 and maybe do not want to retire. They might be a STROM THURMOND; they who may have another 50 years of very energetic hard work ahead of them and they don't want to say they want to retire. We should not force them to retire.

The earnings penalty forces many of these people to retire—some of our most productive citizens in America. I think it is wrong. This tax penalty is wrong. We are going to repeal it today. We are repealing it with bipartisan support. It is going to become the law of the land.

Again, I compliment our leader for proving we can get some good things done that will have a positive impact on millions—frankly, on all of us, because a lot of us want to work beyond the age of 65. Now we are telling seniors they can do so.

Again, my congratulations to the leaders for making this happen. I think this will make Social Security policy better and, frankly, it will make economic policy better for all Americans.

Mr. President, I yield the floor and urge my colleagues to vote yes on this bill.

Mr. LUGAR. Mr. President, I rise today in support of H.R. 5, the Senior Citizens' Freedom to Work Act. The passage of this legislation is long overdue. The Social Security earnings test is bad for our economy and bad for individual senior Americans who wish to

continue in the workforce. I am extremely pleased that the Senate is moving to eliminate the earnings test.

I am hopeful, however, that passage of this bill will not mark the end of thoughtful policy regarding the role of seniors in the American workforce. Senior workers are an invaluable resource for our nation. As the number of Americans of retirement age increases, the economy's need for senior workers will inevitably increase as well. We should encourage those seniors who wish to continue working by making certain that they are treated fairly by tax and retirement laws.

Too often, government policy toward retirees has assumed that all seniors have the same needs, goals, and desires. Mr. President, each individual is different. Many seniors look forward to a leisurely retirement that allows them to pursue activities for which they did not have time when they were working. American seniors have earned this option, and trends over the last several decades that demonstrate the average senior is enjoying a healthier and more prosperous retirement are extremely encouraging.

But other senior Americans wish to delay retirement for as long as possible. Many seniors who have communicated with me about this subject simply enjoy the stimulation that a workplace provides on a daily basis. Others are not ready to leave businesses or farms that they have spent their entire lives building. Still others wish to continue to contribute to the income of their families, children, or grandchildren. Regardless of their reasons for wanting to stay in the workplace, no senior should find that government policy is a disincentive or barrier to work.

In addition to ensuring basic fairness to individuals, providing further incentives to senior workers makes good sense for our economy. Seniors who stay in the workforce continue to pay taxes on their earnings and continue to provide much-needed experience to the American economy. As our economy grows and the baby-boom generation approaches retirement age, we may experience more frequent labor shortages. Ultimately, a declining number of qualified workers could be detrimental to the economy. Adding incentives that reward older Americans for staying in the workforce could help alleviate such shortages while continuing to improve our economy and standard of living.

Last month, with the support of Senators BREAUX and GREGG, I introduced two pieces of legislation that would encourage American seniors to stay in the workforce. These bills, entitled the Retired Americans Right of Employment Acts (RARE I and RARE II), are based on the premise that many seniors want to work and their labor is invaluable to our economy and society. Both bills would repeal the earnings test, as we are seeking to do today. But they would go further by implementing specific tax and benefit changes that would reward seniors who choose to work.

Among other provisions, both bills would phase in a formula allowing income earned after the retirement age to be counted in the calculation of an individual's Social Security benefits. Currently, Social Security benefits for most people are based on the average of the top 35 earning years prior to age 62. Allowing income earned after age 62 to be included in benefit calculations would increase the benefits of those seniors who choose to continue working.

The two bills offer alternative methods to reduce the taxes of working seniors. RARE I would cut the FICA tax of seniors by 10 percent when they reach full retirement age. As a result, retirees would see their FICA tax reduced from 7.65 percent of their paycheck to 6.885 percent. Because taxes are levied on the first dollar of wages earned, this tax reduction would benefit all income levels of retirees, including those who choose to work part-time.

RARE II would provide individuals who have reached the full retirement age with a tax credit equal to 10 percent of the lesser of the amount of income tax owed or the earned income of the individual. This provision would effectively reward older Americans who continue to earn and to pay taxes after reaching retirement age.

Mr. President, in closing, I want to reiterate my strong support for the underlying bill being discussed today. The elimination of the Social Security earnings test would be a huge step toward ending the disincentives for seniors to work if they choose. But I hope this is only a first step in adjusting policy governing seniors in the workplace. Other changes contained in the RARE bills, which I have described, as well as the repeal of the Clinton Administration's 1993 tax on Social Security benefits, would reaffirm the importance of seniors in our society. The health of our economy and even our national strength will increasingly depend on retaining the services of productive seniors. We should begin constructing these policies now.

Thank you, Mr. President.

Mr. DASCHLE. Mr. President, the time is right to repeal the Social Security earnings test. I ask my colleagues to join with me today in support of the passage of H.R. 5, the Senior Citizens' Freedom to Work Act of 1999.

We all know that reaching retirement age does not necessarily mean a person is ready to retire. It is good news that Americans are now living longer and healthier lives, and I believe that the Social Security system should not penalize those who want to work longer. I understand that many older workers choose to remain in the workforce because they need additional income or have no desire to stop working. I fully support this choice, and I believe that no one should face financial penalties for that personal decision.

In South Dakota this year, 2000 people have seen their Social Security benefits reduced because they chose to continue working when they reached the age of 65. All told, Social Security withheld about $8 million in Social Security payments last year from those South Dakotans. That works out to a loss of about $4000 in Social Security benefits for each of those 2000 South Dakotans. That is not right. Let's not penalize them for staying in the work force to achieve a better standard of living. I know many Americans over 65 in my state who could use that money to pay for health insurance, prescription drugs, and electric bills.

H.R. 5 will not only help these 2000 workers who are not receiving their Social Security benefits, but also encourage those who want to work, but are not doing so now because they fear the earnings limit would consume most or all of their earned benefits. As baby boomers begin to retire, it is especially important that these older Americans who want to work be encouraged to do so. Our nation is celebrating record low unemployment. Let us seize this opportunity to recognize the skills, knowledge, and experience that people over 65 have to offer. I am pleased that Congress is on the verge of removing the earnings limit to encourage citizens in my state and across the country to continue making an important contribution to the American economy.

Mr. President, I urge my colleagues to build on the momentum created by this bipartisan bill to work toward Social Security reform. We can pass legislation this year that will extend the solvency of Social Security for 50 years by using the interest savings earned by paying down the debt. We should take that simple step this year on a bipartisan basis, just as we are passing this bill today.

Mr. GRAMS. Mr. President, I rise to strongly support HR 5, the Senior Citizens' Freedom to Work Act. This very important legislation would help millions of American seniors who choose to, or must work after retirement.

Under current law, the Social Security benefits of those seniors ages 65 though 69 who continue to work will be reduced by $1 for each $3 of earnings over $17,000. In other words, they will be taxed at 33.3 percent of their earnings above the threshold.

However, the onerous tax burden on our seniors does not stop there. These seniors are also subject to a 15.3 percent payroll tax, and a 15 percent income tax. Combined with the earnings test, these seniors are paying taxes of over 60 percent on their earnings from working. If their earnings bump up their income, their Social Security benefits are then taxed. The tax bite could take 68 to 91 percent of their additional earnings.

Mr. President, this is absurd. We must correct this unfair tax burden on our seniors.

When Social Security was set up 65 years ago during the Great Depression,

jobs were scarce, workers were younger and many could not find work to support their families. One of the intentions of the Social Security program was to encourage older workers to retire, so that younger workers could find a job.

Today, our situation is dramatically different. The economic and demographic conditions in the U.S. are not what they were when Social Security was established. Our strong economy has created a tight labor market. After filling over 20 million new jobs during this economic expansion, we still have a job shortage, particularly skilled workers. It is projected that this shortage will continue for the next 5 to 10 years.

Lower birth rates and a longer life expectancy mean that the number and relative size of the older population is growing rapidly. The number of Americans over age 65 has grown from 8 percent in 1950 to 14 percent in 1990 and is projected to reach 22 percent in 2030.

This demographic change has triggered a serious Social Security crisis. In 1940 there were 100 workers to support 1 retiree. Today that ratio has dropped to 3 workers supporting 1 retiree. In less than 20 years, that ratio will decrease to 2 to 1. As a result, we have a $20 trillion unfunded Social Security liability.

The earnings test penalty has worsened this situation. It discourages seniors from working, even though their skills are much needed in the labor market. If allowed to work without penalty, they will continue to pay payroll taxes into the Social Security system which will help us work toward solvency of the system.

Another important reason we must get rid of the earnings test is that Social Security is a very poor investment for Americans. Americans pay a significant amount of payroll taxes through their working life but face low and declining returns from Social Security, and some receive less in benefits than they have paid in payroll taxes. Their Social Security benefits cannot even begin to meet their pre-retirement standard of living. Many seniors have no choice but to continue to work—and others want to work for the joy of it.

Over the past 15 years, goods purchased mainly by seniors increased 6 percentage points more than goods purchased by the general public. Their medical costs skyrocketed 156 percent.

As inflation on medical and pharmaceutical goods continues to rise, older Americans' hard-earned Social Security benefits are worth less and less. Their purchasing power will continue to diminish.

I believe the earnings test on Social Security benefits is wrong and unfair because Social Security benefits are earned benefits for many senior citizens. The Social Security benefits which working seniors are losing due to the earnings test penalty are benefits they have rightfully earned by contributing to the system throughout their working years before retiring. These are benefits they should not be losing just because they are trying to survive by supplementing their Social Security income. Reducing Social Security benefits upon additional earnings is just double taxation.

As health care and other costs continue to grow, the incomes of more and more senior citizens are falling along with their standard of living. This earnings test hurts seniors who choose, or must work after retirement to maintain their standard of living or to pay for costly health insurance premiums, medical care, prescriptions and many other expenses which increase in retirement years. This is particularly true for seniors with lower-incomes who must work and depend on their earned income for survival.

Mr. President, we cannot let this practice continue.

Eliminating the earnings test on Social Security benefits would reverse this trend, and help responsible senior citizens. The federal government has entered into a sacred covenant with the American people to provide retirement benefits once contribution commitments are made. It is the government's contractual duty to honor that commitment. The government cannot and should not take money from seniors that is rightfully theirs.

Mr. President, I'd like to briefly discuss the health of our Social Security system. Social Security benefits will exceed payroll taxes by 2014 or soon.

President Clinton claims he is saving Social Security by using the interest savings that will result from paying down the government debt held by the public. However, his proposal does not push back the date that Social Security will run a deficit by a single year, and the transfer from the general fund to Social Security does not cover a fraction of the shortfall.

Mr. President, without reform, the unfunded liability of Social Security will crowd out all of our discretionary spending. It will create financial hardship for millions of baby boomers and impose a heavy burden on future generations. We must address this vitally important issue as quickly as we can.

I believe the best way to fix Social Security is to move it from the current pay-as-you-go system to a fully funded one, and the immediate step we should take is to lock in every penny of the Social Security surplus safe from government spending, and put it toward Americans' retirement. My lockbox would sequester spending if re-estimates result in spending any of our Social Security surplus.

In addition, we need to tell Americans the whole truth about Social Security since payroll taxes are the largest tax that many families will ever pay, accounting for up to one-eighth of the total lifetime income they will make.

That's why I also support the Gregg amendment which would require the government to provide information on the financial status of the program. This amendment is along the same line of my legislation, S. 1104, the Social Security Information Act. Reliable information on Social Security is crucial to enable Americans to better understand the value of their Social Security investment and to help them determine exactly how much they should supplement their expected Social Security benefits with other savings in order to have a certain level of retirement security.

Mr. President, let me close by saying it is critical that we repeal the earnings test penalty. We owe our seniors nothing less than to remove this senseless provision and give them the opportunity to sustain and hopefully improve their standard of living by allowing them to work without additional tax penalties. It is equally important that, by continuing to pay into the Social Security system, our seniors will actually give us more time to reform it—which ultimately benefits everyone.

Mr. CONRAD. Mr. President, I am pleased the Senate is taking action on the H.R. 5, the Senior Citizen's Freedom to Work Act of 2000. This legislation eliminates the earnings test for Social Security recipients between the full retirement age (currently 65) and age 69. The measure will be retroactive to January 1, 2000.

I have long supported changing the Social Security earnings test, which the amount of income recipients may earn before their benefits are reduced. Under current law, recipients aged 65 through 69 can earn up to $17,000 per year without penalty. But beyond that, benefits are reduced by $1 for each $3 of earnings. This year, approximately 800,000 seniors will lose benefits. Repealing the earnings test will allow older Americans who have skills and expertise to continue working and making a contribution to society and to our economy.

I am concerned about the Social Security earnings test and realize the difficulties that many older Americans experience because of it. For many seniors, working beyond the age of 65 is necessary just to make ends meet. Changing the earnings limit will allow them to earn extra income without losing hard-earned Social Security benefits. They have spent a lifetime working for these benefits and they should get them, whether they choose to continue to work or not.

I have supported past legislation to raise the earnings test limit. Today, I fully support this legislation to eliminate the earnings test for all individuals who have reached full retirement age.

This bill is especially important to North Dakota because we have one of the highest rates of seniors receiving Social Security benefits.

I am also pleased because this bill is fiscally responsible. In the long term, it will not have any financial impact on our Social Security trust fund.

I urge my colleagues to join me in supporting this important piece of legislation.

Mr. JOHNSON. Mr. President, today is a particularly important day for American seniors. With a unanimous vote, the Senate passed H.R. 5, the Senior Citizens' Freedom To Work Act which will abolish a Depression-era Social Security restriction that lowers benefits paid to seniors ages 65 to 69 who earn more than a specified amount each year. Earlier this month the House passed H.R. 5 by a vote of 422 to 0. As a proud cosponsor of the Senate version of this bill, I am elated that Congress moved swiftly to pass this long overdue legislation.

Presently, the Social Security earnings test reduces benefits $1 for every $3 over earnings of $17,000 for retirees age 65 to 69. Due to the cap on earnings, older Americans, many of whom live on fixed, modest-incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local and other Social Security taxes, it amounts to an atrocious 55–65 percent tax or even higher. Such a policy defies the principals of self-reliance and personal responsibility on which America was founded. Seniors who have substantial outside income from investments have never had a similar tax penalty to pay.

By eliminating the retirement earnings test, older Americans can now decide whether and how much they want to work without a reduction in their current Social Security benefits.

An estimated 800,000 Americans lost all or part of their Social Security benefits in 1999 because they were employed and earned more than the limit. Even a part-time job can put someone over the earnings limit. According to the U.S. Bureau of the Census, the elimination of the earnings test will affect approximately 1,153,000 retirees and auxiliary retirees nationwide, including 3,462 seniors throughout South Dakota.

I believe older Americans ages 65 through 69 should be able to work and supplement their Social Security without a benefit reduction, just as other beneficiaries can supplement, without restriction, their Social Security with pensions and unearned income.

At a time when labor shortages loom on the horizon and people are living longer, we should encourage, not penalize, older workers.

Faced with serious health care expenses, escalating prescription drug prices, long term care needs, and other expenses in caring for a spouse or other family members, older Americans are choosing to stay in the job market longer. By eliminating the earnings test today we have just improved the personal and financial well-being of thousands of seniors throughout South Dakota and our nation.

I am very pleased that President Clinton is supportive of the legislation and has indicated that he will sign the bill into law immediately.

Today marks a strong vote for older Americans. Seniors are one of our nation's most valuable resources and we should honor and respect them by providing the means necessary to live long, fulfilling lives without worrying about whether or not they can afford to pay their rent, heating bill, and other necessities. As we move forward with the 106th Congress, I look forward to working with my fellow colleagues to implement further programs and a strong legislative agenda which strengthens crucial programs such as Social Security and Medicare, and establishes prescription drug coverage, nursing home reforms, new efforts on long-term care, tools to fight crimes against seniors, new plans to secure retirements and protect pensions, and other initiatives that meet the needs of our growing population of seniors.

Mr. GORTON. Mr. President, for too many years I have worked in support of repealing the unfair Annual Earnings Test on Social Security. Incredibly, working seniors currently forfeit one dollar of Social Security benefits for every $3 they earn over the earnings limit of $17,000.

If an American spends a lifetime paying into the Social Security system with the guarantee that he or she will get their money when he or she turns 62 or 65 years old, no one should be able to take those benefits away simply because the beneficiary wants to keep working. Why should the federal government be discouraging those seniors who want to keep on working from doing so? As our country faces increasing demands for labor, we can ill afford to deprive ourselves of the skills and experience America's seniors have to offer. The federal government shouldn't be in the position of discouraging anyone from working: seniors should be allowed to make their own decisions.

Over the past few weeks, I have listened to and read the comments of numerous Washington state seniors who lose a portion of their hard-earned Social Security benefits simply because they do not wish to retire or stop working. I have been listening to these same comments for many years, and I can honestly say that today it looks as if common sense will finally prevail and a solution will pass the House and the Senate. Importantly, President Clinton recently changed his position on this issue and now says he will sign this legislation to abolish the Earnings Test.

I will cast my vote for abolishing this unfair tax. Repeal of the Social Security Earnings Test is a victory for seniors and every generation of Americans.

Mr. EDWARDS. Mr. President, I am proud to join my colleagues today—Republicans and Democrats alike—in voting to repeal the Social security earnings test. For 75 years now, Congress has kept a provision in the Social Security program that hurts our seniors who continue to work. The Senior Citizens Freedom to Work Act is a sensible measure. It will correct an injustice in our Social Security program, infuse our tight labor market with experienced workers, and most importantly, help hundreds of thousands of seniors become more financially secure.

Currently, retirees drawing Social Security benefits are subject to an earnings test. This means that for seniors ages 65 to 69, benefits are deferred by $1 for every $3 that their earnings exceed $17,000. In my state, nearly 2,500 seniors are hurt by the Social Security earnings test. According to the Social Security Administration, the average amount of benefits lost per recipient in 1995 was $3,596. My state benefits from the contributions of these employees, substantively and economically; yet these individuals are being penalized for their efforts.

It is now time for Congress to bring the Social Security program into a new era. Retiring the earnings test, not our seniors, is a first step.

In 1935, when the Social Security program was established, the United States had a crowded labor field. The earnings test was designed to encourage seniors to leave the work force to open their jobs to younger people. But today the rationale for the test has faded. It's about time we replaced this antiquated provision.

Indeed, no one today would seriously consider structuring the program to discourage older workers. Our unemployment rate is at an historic low. And our country is enjoying unprecedented economic prosperity. Seniors bring years of experience to the work force—knowledge and judgment that cannot be obtained from a textbook, but only from first-hand experience. Employers today are seeking skilled, dependable, and honest employees. Many older Americans would be willing to fill this need if they were not faced with decreased Social Security benefits. The government should not tell people who want to work that they cannot, but this is exactly the message the earnings test sends to many seniors. This message is discriminatory and fundamentally wrong.

Moreover, at a time when we are experiencing such phenomenal economic growth, many of our senior citizens are struggling to pay for everyday needs. This measure will help them. I have heard from hundreds of seniors from North Carolina who are struggling to pay their medical bills and daily living costs. By now, they have been working and paying Social Security taxes for decades. These same seniors are the ones who start to lose benefits because they continue to work, simply because they earn a salary that the government believes is too high for them.

It must be said that this legislation is a patch to one problem in the Social Security system that is currently riddled with holes. If Congress does not start considering overall Social Security reform, we will eventually have a hole too big to fix. It is my hope that

the current momentum to fix small holes in the system will lead to a larger dialogue on how to save the Social Security program.

But until then, the Senior Citizens Freedom to Work Act is a win-win measure. It lets seniors earn a higher salary without retribution. It keeps skilled employees in the workplace. It helps maintain a strong economy. It helps our seniors to afford today's cost of living. And finally, it's the right thing to do.

This bill has a lot of benefits, and it costs the government nothing. I look forward to its quick passage in the Senate and to the positive effects that it will have for our country.

Mr. ABRAHAM. Mr. President, in my State of Michigan, we currently have less than a 3 percent rate of unemployment.

We used to think that just the people entering and leaving the job market, as well as those switching jobs, would keep unemployment to a minimum of 5 percent.

But our economy is exceptionally strong, and the demand for labor is through the roof. In fact, some companies in Michigan have threatened to leave the State because they can't find enough people to work.

Yet throughout the United States, we encourage our seniors between the ages of 65 and 69 to not work because of the earnings test on their Social Security benefits.

At the very time that we need experienced workers in the labor market, the government makes it uneconomical for our most experienced workers to stay in the work force.

Under the current earnings test, Social Security beneficiaries under the age of 65 lose $1 of social Security benefits for every $2 they earn over $10,000 per year.

And those under 70 lose $1 for every $3 earned over $17,000 of annual income.

Not until they reach 70 years of age are seniors free to work again on their own terms.

Seniors are being penalized by double taxation—and in this case, simply for working.

I find it incredible that we force our seniors to forego over $3.9 billion a year in Social Security benefits simply because they make more than $10,800 if they are under 65 and $17,000 if they are between 65 and 69 years of age.

But what is not seen is the income foregone by those seniors for whom the earnings test makes it uneconomical to work.

A recent study by the Institute for Policy Innovation shows that your typical 67-year-old married senior, making let's say the American average of $37,000, could have a marginal tax rate of over 80 percent.

This is a huge disincentive to continue working, even though we need these experienced seniors in our work force, many of them want to work, and they are able to do so.

In fact, a recent study by the Urban Institute indicated that because of longer life expectancies and better medical care, a 65-year-old today is healthier than a 40-year-old was before World War II.

This has the effect of forcing able workers out of the work force. In 1948, 47 percent of men over 65 worked. Today, it's one-third of that with about 16 percent continuing to work.

And if they do work, they limit how much they work because of the earnings test. In fact, 65 percent of those seniors that work, keep their total earnings under the earnings test limit in order to avoid the penalties.

But if we repealed the earnings test, we could unleash the economic power of our seniors.

The National Bureau of Economic Research estimates that repealing the earnings test on workers age 65 to 69 would increase the annual number of hours worked throughout the economy by 5.3 percent.

That may not seem to be much, but it actually represents 63 million more hours worked per year, or the equivalent of almost 31,500 jobs.

Because seniors would have more money to save, invest, and spend, it's estimated that overall gross domestic product would rise by $19.5 billion, increasing the projected growth in disposable personal income by more than 5 percent.

And this would ripple throughout the economy, adding $6.8 billion to the stock of U.S. capital invested in new jobs.

Finally, the extra growth that would be brought about by this repeal would generate enough new tax collections to totally offset the higher Social Security benefit payments within 10 years.

That is why I was proud to join Senator MCCAIN last year in cosponsoring S. 279 to repeal this antiquated test and allow our seniors to keep all of their Social Security benefits. And that is why I will also support passage of H.R. 5.

But I think we need to look at the broader issues of retirement security, including the taxation of Social Security benefits, and the forced depletions of individual retirement accounts.

In 1993, the President forced through an increase on the amount of Social Security benefits subject to taxation from 50 to 85 percent for those singles making more than $34,000 and those couples making over $44,000.

When coupled with the earnings test, these benefits taxes can punish some couples with a 103 percent marginal tax rate. These couples actually lose more than a dollar for making another dollar. Not only is this grossly unfair, it's also an even further disincentive for savings and work.

But the government's raid on senior's retirements assets doesn't even stop there. It also levies a 50 percent tax on IRA savings when seniors fail to withdraw when Washington wants them withdrawn.

Current law requires seniors to start withdrawing their IRA savings beginning at age 70½.

And seniors must usually make these withdrawals in annual amounts large enough to deplete the entire IRA by the time they reach age 85.

Failure to follow these rules earns a whopping 50 percent penalty.

This withdrawal requirement can only be viewed as a punishment for those who plan and save for retirement. Even worse, seniors who live past 85 may find themselves short on funds because the Federal Government forced them to spend their own savings. That's not right, and it must be stopped.

To remedy all of these gross disincentives to seniors planning and saving for their retirement, and staying active in the work force, I introduced the Senior Citizens' Financial Freedom Act, S. 2180.

This legislation would accomplish three objectives:

First, it would repeal the Social Security earnings test working penalty on seniors, just as the legislation before us today would.

Second, it would roll back the Clinton administration's 1993 tax increase on Social Security benefits.

Finally, it would increase the age when minimum IRA distributions must begin, from 70½ to 85.

Passage of H.R. 5 is vitally important to the financial well being of our seniors who chose to remain in the work force.

And I hope we will continue to work toward truly protecting the financial well-being of America's seniors by also addressing this year the other issues of Social Security benefits taxation and forced IRA withdrawals.

With these two important pieces of legislation, we can really strengthen Social Security for our seniors in the most important place possible—their wallets.

Mr. HARKIN. Mr. President, the Senate is going to take an important and long overdue step to stop penalizing older workers in our Nation—eliminating the Social Security earnings penalty. This is a change I have advocated for many years. So I am very pleased we are taking this important step.

This legislation, H.R. 5, is an important step for a number of reasons. First, it is simply the right thing to do. There should not be a penalty for working.

Second, we are now facing and will continue to face tight labor markets. In my State of Iowa, this is an acute problem in some areas. By eliminating the earnings penalty, experienced workers who were discouraged from continuing in or rejoining the work force will have a new incentive to work. The emergence of the Internet and home computers offers tremendous opportunities for seniors to work at home. Marrying these new job opportunities with a repeal of the earnings penalty will become even more important as the Baby Boomers retire.

Third, a large number of older Americans need the income. Over half of today's workers have no pension plans

outside of Social Security. They are going to need additional sources of income to maintain their standard of living.

Some critics have expressed concern that this change would have a negative budgetary impact. I believe that by attracting more Americans back into the work force, either on a full-time or part-time basis, it will strengthen Social Security and the federal budget. And I believe they will add to the productivity of our nation.

I am pleased that the Senate has been able to come together on a strong bipartisan basis to pass this bill. The President has indicated his support and so it should become the law of the land in the next few weeks. That would be a good step forward for our Nation.

Mr. ALLARD. Mr. President, I rise to make a few comments on the Social Security earnings test elimination bill. Today I join my Senate colleagues in supporting important legislation that will benefit millions of American seniors who want to remain working after age 65 without facing a reduction in their Social Security benefits.

In America today there are roughly 800,000 Social Security recipients between the ages of 65 and 70. Under current law if you are one of those 800,000 Americans and you earn more than $17,000 this year you will begin to see a reduction, $1 in loss for every $3 earned over $17,000 in Social Security benefits. I think it is important to recognize that those being penalized are those who have been paying into Social Security their entire working lives. I have long disapproved of this punitive system that places restrictions on a person's right to work, and an employer's ability to hire the right person for the job. Too often Social Security is viewed as a handout, but for the vast majority of Americans this is an earned benefit that should not be subject to Depression-era work restrictions.

The Members of this body are familiar with the numerous obstacles facing employers, particularly small business owners, in these times of near full employment. In my home State of Colorado, our small businesses, hospitality and tourism employers are struggling to find experienced, qualified individuals even in these times of prosperity. Here in the Senate we have looked at increasing the number of guest workers visas and streamlining the visa process in an effort to provide employers with an opportunity to reach employees. While we will still consider these efforts, the passage of the Social Security earnings test elimination bill will allow employers to tap an eager and rich population of employees already living in every community in our State. Importantly, this legislation will put an end to a depressing practice that has forced working seniors to leave their jobs mid-year once their earnings threshold has been reached. Not only will America's working seniors be spared unnecessary grief, but these seniors and their employers will be free to develop stable, life-long working relationships.

The Congressional Budget Office has estimated that this legislation will cost $22.7 billion over the next 10 years. I understand that actuaries from the Social Security Administration have reported that this cost will be negligible over the long term. I mention this solely in the context that as we pass this legislation we recognize that this measure is associated with a cost. Congress must budget appropriately in response to this cost. Repealing the earnings limit is an idea whose time has come, whose time came years ago. Part of constructing good public policy is making hard choices. I hope that my colleagues will recognize that if we are not willing to assume the responsibilities of these costs in other areas of the budget we run the risk of continued fiscal irresponsibility that threatens Social Security and a balanced Federal budget.

Like many of my colleagues in the Senate today I had the good fortune to work on a precursor to this legislation when I served in the House of Representatives. During the 104th Congress I voted in favor of H.R. 2491, the budget reconciliation bill that carried a number of provisions outlined in the Contract with America. One of these provisions was the gradual increase of the Social Security earnings limit. In December 1995, President Clinton vetoed this legislation. I am thankful that today the Senate will pass this legislation overwhelmingly, insuring relief and increased economic freedom for America's seniors.

Mr. KOHL. Mr. President, when the Social Security system was established, a retirement test, also referred to as an earnings test, was made part of the criteria for determining an individual's benefits. This criterion was established because Social Security benefits are intended to replace, in part, earnings lost by an individual or family because of retirement, disability, or death. Therefore, benefits are withheld from individuals who show by their substantial earnings from work that they are not in fact ''retired''.

What this means today is that recipients aged 62–65 could earn up to $10,080 annually without having their benefits affected, and those between 65–69 could earn up to $17,000 a year. For earnings above these limits, recipients aged 62–65 lose $1 in benefits for each $2 of earnings while those between 65 and 69 lose $1 in benefits for each $3 in earnings. The earnings test does not apply to recipients age 70 and over, and the exempt limits increase each year at the same rate as average wages in the economy. Currently, it is estimated that there are approximately 600,000 recipients age 65–69 affected by the earnings limit test.

Today we are repealing the earnings limit for people between the full retirement age and age 69, giving them the opportunity for increased financial security, and providing an increase in skilled workers during this tight labor market.

Removing the earnings limit will provide seniors with greater independence and financial security. Today, too many Americans struggle through their retirement years trying to make ends meet. The steps we take today will allow seniors to work longer, and depend on their savings less, giving them more security into their later years. In our modern workplace it makes no sense to penalize workers for staying in the workforce longer. Congress works hard to encourage people to plan their retirement years thoughtfully, and removing the earnings limit will give working families one more tool for planning their financial future.

This move is especially timely in our tight labor market and booming economy. Removing the earnings limit will allow experienced workers to be able to stay in the workforce. I have heard from several business owners in Wisconsin who are desperate for skilled workers in a number of industries. While the long term answer to the skilled worker shortage is increased worker training and education, encouraging older workers to remain in the workforce will certainly help meet the current demand. Proven, experienced, mature workers will help our economy maintain its momentum.

We should not feel too jubilant, however, about today's accomplishment. Comprehensive Social Security Reform is still necessary. Today's changes will do nothing to hold off the coming crisis that will begin when we start drawing down the Social Security Trust fund in 2014. Congress needs to deal with this soon, otherwise we are shirking our duty to the American people.

Mr. BURNS. Mr. President, I rise today to urge all my colleagues to join me in supporting the Senior Citizens' Freedom to Work Act. It is high time we eliminated this Depression-era provision which penalizes motivated senior citizens for working to augment their Social Security income.

As the law currently stands, if a person between the ages of 65 and 69 earns more than $17,000 per year, their Social Security benefits are reduced by $1 for every $3 they earn above $17,000. That just isn't right. Ours is a society which values hard work; only our Government would devise a scheme to penalize people for working.

Before too long, in 2025, Montana will have the third largest proportion of senior citizens in the Nation. This growth rate is nationwide, however. Our country is aging and the programs which our parents relied on in their golden years need to change if they are to keep pace with the changing face of American society.

Most of the senior citizens affected by this unfair provision are those who can afford it the least. These are the very people who struggle to make ends meet every month. Many may face the impossible decision of putting food on

their tables or prescriptions in their drug cabinets. We expect retirees to augment their Social Security income with money from outside resources but then turn around and penalize them for working. Isn't it about time to bring consistency into Social Security? Eliminating the Social Security earnings limit is one important step in reforming the laws which affect our senior citizens.

I urge the Senate to follow the House of Representatives by expediting passage of this important legislation. Working seniors deserve no less.

Mr. President, I yield back the remainder of my time.

Mr. L. CHAFEE. Mr. President, I rise today to express my support for H.R. 5, the Senior Citizens Freedom to Work Act. This bill will do away with the Social Security earnings test for those individuals between the ages of 65 to 69. The earnings test has proved to be a disincentive for able and healthy senior citizens to be a productive part of the workforce. On March 1, the House of Representatives approved H.R. 5 by a vote of 422–0. Moreover, the administration has expressed its support for the bill. While I believe the amendment offered by Senator KERREY had merit, attaching it to this bill would have delayed enactment of this important legislation. Therefore, it is my belief that we should pass this bill immediately and send it to the President for his approval.

Mr. MACK. Mr. President, I want to express my strong support for repealing the Social Security Earnings Test for working seniors. Many of my colleagues and I have been working together for the past 12 years to pass this legislation. At long last, the Senate is going to retire the Social Security Earnings Test.

The Social Security Earnings Test is a 70 year old dinosaur of a law which was initiated to insure that Social Security benefits were granted specifically to retired persons. Today, unfortunately, economic reality dictates the need for many senior citizens to continue working in order to achieve a basic standard of living. The Social Security Earnings Test stands as a roadblock to independence for tens of thousands of seniors throughout the United States. Furthermore, America's seniors represent a wealth of talent and skill. A national policy which discourages them from working is simply counterproductive.

Clearly, few other states have been as impacted by the unfair Social Security Earnings Test as the people in my home state of Florida. I've seen firsthand the impact upon Seniors of laws which limit income. We have already seen the impact caused by President Clinton's 1993 tax hike on Seniors, when he raised the Social Security benefit tax from 50% up to 85%. When are we, as a nation, going to stop penalizing success?

It's not a group of greedy millionaires who are being impacted by the earnings test restrictions. It's lower and moderate income Seniors who need some relief from their government to simply survive. In Florida, we are talking about grandparents who live on Social Security plus any outside work they can get. And if you have grandma in the hospital or a nursing home fighting Alzheimer's Disease, and grandpa has go find some work to pay the bills, the Social Security Earnings Test is simply another hurdle they have to overcome.

Several years ago, I was visiting a worksite in Safety Harbor, Florida where I met with a group of working Seniors. I asked them why they were working past the traditional retirement age. Some said they simply wanted to have a reason to get out of the house and do something productive. Others said they needed the additional income to take care of a loved one. Still others said they wanted to maintain a certain lifestyle without Federal interference.

But I was most struck by one gentleman who said to me, ''Senator, we live in a throw away society. Don't let them throw us away.'' What this gentleman was saying was that the message the Earnings Test sends is that society no longer needs you. How can we, as a society, say such a thing? Clearly, we shouldn't.

Finally, consider this thought. Baseball fans might remember my grandfather, Connie Mack, who spent many years in major league baseball. In 1929, he managed the World Champion Philadelphia Athletics. In 1929, he was 66 years old. Suppose he had succumbed to the idea that, at that age, there was no purpose for pursuing one's ideas, one's dreams in life. Suppose he had been told by our nation that he was no longer of value to society. He might not have had the opportunity to produce that great team. Fortunately, we didn't have a law which could have forced him into retirement.

The Federal government is sending a message to working Seniors that they are over the hill. The only thing that is over the hill is the Earnings Test. We need to retire the Earnings Test, not our Seniors.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRIST). Is there a sufficient second?

There appears to be a sufficient second.

Who seeks time?

Mr. ROTH. Mr. President, we yield back any remaining time.

Mr. MOYNIHAN. Mr. President, we yield back any remaining time.

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—100

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee, L.	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The bill (H.R. 5), as amended, was passed.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the previous order be postponed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, this is a moment of high achievement. Is there anybody about who can remember when a substantive piece of legislation affecting millions of Americans and dealing with the Social Security Act would pass this Chamber 100–0? I can't in my 24 years.

In my 24 years, I have not seen the like.

I congratulate the chairman who had the wisdom to bring up the matter, hold it at the desk, and do it this way.

When the President gets back, I am sure the first thing he will do is sign it, or we can put it on a plane and send it to meet him halfway in Geneva.

But congratulations.

Mr. ROTH. Mr. President, I thank the distinguished ranking member, Senator MOYNIHAN, for his kind and gracious but too generous remarks. I know we were able to get this accomplished through his leadership. As I said earlier, I do not only want to congratulate him for his role today, but for his continuing role in his many years of service in the Senate. I thank him for his leadership, for his contribution, and for his steadiness on this most important matter.

I also say to my distinguished colleague that it is important we recognize the staff who worked so hard on this historic measure on the majority side.

I thank Frank Polk, Alec Vachon of the majority staff; on the minority side, David Podoff and Jon Resnick. I also thank David Koitz of the Congressional Research Service, Ruth Ernst of the Senate Legislative Counsel, and Kathy Ruffing of the Congressional Budget Office. Frankly, if it had not been for their hours of long staff work, this historic bill would not have been possible.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from West Virginia is recognized to speak for up to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that should I need an additional 3 minutes, I may have it.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NATIONAL ENERGY STRATEGY FOR THE 21ST CENTURY

Mr. BYRD. Mr. President, I am aware that some Senators have come to this floor in recent weeks to talk about rapidly increasing petroleum prices, and other Senators have raised serious concerns about home heating oil prices in the Northeast this winter. I also recall that certain regions of this country were threatened by electricity brownouts last summer, to say nothing of the difficulties our beleaguered farmers may face this year and to say nothing at this moment of what they faced last year. All of these issues raise serious concerns that affect our everyday lives in every season and region of the country. The crisis that we have all been witnessing not only forces us to question our dependence on foreign oil, but, more importantly, to confront the crying need for a serious domestic energy strategy.

I remember very well, because I was here, the energy problems this country experienced in the 1970's. During that decade, we were forced to confront our energy demands and our vulnerability to the whims of foreign powers. A quarter century later, this nation is still facing that same vulnerability. While some circumstances may have changed, the United States is now importing more than half of its oil from overseas. This fact, in addition to the potential for volatile market swings, is very unsettling to me. The United States should not be held hostage to the capricious decisions of other nations—friend or foe. We should not have to go, hat in hand, to other nations to beg them to produce more oil so that our supply and prices in the United States do not plummet to levels that stifle the economy. We should not have to think of sending in the troops every time some regional difficulty arises in the Middle East.

Our ultimate national interest lies with concerns that are much larger than the current price hikes in gasoline, diesel, home heating oil, or electricity. Though I am certain that, in time, this petroleum crisis will pass as most crises do, I fear that, as a nation, we will sink back into somnolence, asleep at the wheel so to speak. The alarm is ringing loudly today, and it is time to wake up and address the underlying issue—our lack of a serious, comprehensive national energy strategy. That is the underlying issue. Our policies must take into account our energy independence and U.S. energy security. We need a policy that buffers our economy and our people from decisions made by foreign suppliers. It is past time to focus on increased research and development into advanced technologies, energy efficiency and conservation measures, and market incentives for these advanced technologies and conservation measures. Obviously we must also be sensitive to the environment. Clean air and clean water matter; the responsible use of our land matters; and the potential impact caused by the growth of greenhouse gases matters. We should aggressively investigate promising carbon sequestration technologies. In fact, a comprehensive national energy strategy must also incorporate a strong environmental strategy. I believe that we can, and that we should undertake this challenge. We ought to do it now.

The United States is vast, and our resources are vast. We are a fortunate nation in that regard. The Creator has blessed us. Our economy is booming and with that boom comes an increased appetite for energy. We must consider how much we consume and how efficiently we use these resources. We possess energy reserves of oil and natural gas, as well as wind, solar, hydro, fuel cell, geothermal, and nuclear power. And, some of our most abundant energy sources are the coal reserves underlying many areas of the United States. We will need all of these resources if we are ever to achieve the goal of stable energy independence. It is time to examine the tough questions and to explore the opportunities before us to increase our energy independence.

This is a daunting task, and its success is dependent on our active support of a focused research and development program. I serve as the Ranking Member of the Senate Appropriations Committee. I am proud to have been able to provide funding for a range of critical research and development programs for energy efficiency. I have been on that committee 41 years; now going on 42 years. I have been on that Appropriations Committee longer than any other Senator has ever served on it. During that time, I have been conscious of the need for more energy research and the need for a comprehensive energy strategy. So I have provided funding for a range of critical research and development programs for energy efficiency. One such research and development effort that I am especially proud of is the Clean Coal Technology Program. I believe that it was, and continues to be, a commonsense, forward thinking program.

In 1985, I was able to provide the initial $750 million to create the Department of Energy's Clean Coal Technology Program. It has been a very successful public-private partnership. Originally designed to address acid rain reduction, the Clean Coal Technology Program is now addressing a broader range of emission issues, including the reduction of greenhouse gases.

Over the years, more than $2.4 billion in federal funding has moved the clean coal program forward. I have supported every dollar that has been utilized in this way. To date, 40 projects have been approved, with 32 either completed or scheduled to be completed by the end of 2001. But there is a disturbing trend taking shape at the Federal level. These funds are being threatened by deferrals and rescissions by this Administration. I have had to try to fight off these deferrals and rescissions that are being recommended by this administration. A critical research and development program that supports more efficient use of one of our most abundant domestic fuel sources—coal—must not be eviscerated if we are serious about advancing our energy security goal. We must continue to be ready in the event of a crisis. We have seen these crises occur before. Yet here we are with an administration that wants to rescind, wants to defer, moneys that are to be spent in the clean coal technology program.

The utter folly of such an approach is self-evident. Here we have been caught without a cushion, so we were not prepared for the crisis the country is now in. We should have been prepared. Coal cannot be taken off the list of domestic energy sources if we are ever to get out of the posture of begging, begging, begging OPEC for mercy.

I come from a coal State. Coal reserves are plentiful—not so plentiful as they once were in my State, but they are plentiful in this country. Coal supplies 56 percent of all electricity in this country. See the lights up here. Electricity is what makes those lights burn. What is behind that electricity? Coal, C-O-A-L. It keeps the lights burning in the hospitals, in the schools, in the Federal buildings, in the White House.

Coal, as I say, supplies 56 percent of all electricity in this country—56 percent.

Coal has literally fueled the American economy. It will continue to be an important source of energy for the foreseeable future—and it must continue to be. I know that there are concerns about coal mining and coal use.

Some past practices would, quite rightly, not be condoned today. But we are capable, as a nation, of doing better, and we are doing more by improving these practices while also supplying the electricity that operates the wheels of industry and that lightens the offices so we can do our work, supplying an important fuel that lights our homes and businesses.

For years, not just recently, I have promoted clean coal and other clean energy technologies through research and development. But many of these newer, cleaner technologies are more costly to bring to the market. We also need to address the gap between the research and development of these promising technologies and their widespread deployment in the marketplace. It is imperative that we fill that gap.

For this reason, I have worked with Minority Leader DASCHLE and other Members of this body to develop a targeted package of tax incentives to encourage the demonstration and deployment of many energy efficient technologies. I worked with these Members for over a year and a half to craft S. 1833, the Energy Security Tax Act of 1999. If Senators have concerns about developing greater energy independence and encouraging cleaner, more efficient technologies, then I urge them to take a serious look at this legislation. Clean coal technologies are included in this package, as are a broad range of incentives for other fuels, including coal mine methane, renewables, and oil and gas. Additionally, we have included incentives for energy conservation technologies and energy efficient technologies and practices in the transportation, steel, and agriculture sectors. I say to my colleagues, if you want to help develop a strategy for an energy-independent country, then work to get this bill passed. It is the right thing for our economy, for the environment, for trade, and for jobs. It is a step toward a comprehensive national policy to promote energy efficiency, energy security, and energy independence.

If we want to have a national energy strategy, we must sit down together and bring all of our interests and concerns to the table. We must take a multi-pronged approach that looks at the whole range of fuels, the whole kit and caboodle, at more efficient energy technologies and conservation practices, and at the participation of a broad spectrum of industries and interested parties. I do not want the United States to be at the mercy of rogue nations. I do not want our economy to tremble each time OPEC flexes its muscle. I want to ensure that we remain economically competitive. An efficient, stable supply of energy is key. I believe that the challenges of this new century can be met, lighting the way for a new energy strategy that recognizes the importance of economic development and environmental protection at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, could the order standing on the floor at this time be indicated.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska or his designee is recognized to speak for up to 60 minutes.

BALANCED PRODUCTION OF ENERGY RESOURCES

Mr. MURKOWSKI. Mr. President, I compliment my good friend, the senior Senator from West Virginia, for his attention to the energy crisis that clearly this Nation faces, and particularly his attention to the realization that we have become so dependent on imported energy which clearly affects our national security interests.

In 1973—this is a time the Senator would certainly remember, as many Americans do—as a consequence of the Arab oil embargo, we had a very significant event in the United States. We had gas lines around the block. Many younger people don't remember that time. We were 37-percent dependent on imported oil. We created the Strategic Petroleum Reserve as a consequence of our concern, fearing we might approach 50 percent dependence. We fought a war in the Persian Gulf. At that time, I believe we were 47-percent dependent.

Today, this Nation is 56-percent dependent on imported oil. The Department of Energy forecasts by the year 2015 to 2020 we will be 65-percent dependent. I hope we can learn something from history; that is, that we lose our leverage if we become so dependent on that single source of imports.

As the Senator from West Virginia pointed out, we have many forms of energy in this country. We have coal, as the Senator notes; we have gas; we have hydro; we have nuclear. However, we don't have a cohesive energy policy. As a consequence, we face a crisis. The farmers in this country are getting ready to plant, and they are going to be facing high energy costs. We have seen truckers come to Washington, DC, and plead because they can't pass on the increased price of diesel to consumers. We have our Secretary of Energy in Nigeria, he was in Saudi Arabia, he has been to Mexico, urging they produce more oil.

What we need is a balance. We need a balance in domestic production of energy resources in this country, including coal, oil, and gas, using America's technology and America's know-how to develop these resources safely.

I commend my friend from West Virginia for bringing this matter to the attention of this body and recognizing that we have a capability in the United States to relieve our dependence on imported energy. The answer is not to go out and generate more imports; it is to generate more resources domestically. In his State of West Virginia and in my State of Alaska, we have a tremendous capacity to produce energy, if it is given the opportunity. We can do that because we have the advanced technology. He talks about clean coal technology. In our State of Alaska, we talk about drilling in the Arctic in the wintertime where you do not make a footprint because you are on top of the frozen ground. If there is no oil there, there is no scar, no footprint in the spring.

I have the obligation of managing some time this morning. Does the senior Senator from West Virginia have anything further to say?

Mr. BYRD. Only 1 minute, if the Senator will yield?

Mr. MURKOWSKI. I yield.

Mr. BYRD. I thank the Senator for his observations. He has very cogently and lucidly expressed those observations. I thank him for the work he has done in this subject area. I have been glad to work with him on some legislation, and I look forward to the opportunity of our working and cooperating to deal with this very serious problem.

I thank him very much.

Mr. MURKOWSKI. I thank my friend from West Virginia because I think his years of experience and participation in this body on energy matters is a legacy to which he continues to contribute, and we can learn a great deal from his advice. I thank my friend.

I believe the Senator from Wyoming would like recognition at this time. I ask how much time he would require.

Mr. THOMAS. About 6 minutes, I believe.

Mr. MURKOWSKI. I yield 7 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Wyoming is recognized for 7 minutes.

Mr. THOMAS. Mr. President, we are here, of course, to talk about oil prices, high oil prices that affect each of us. Let me start by recalling that less than 2 years ago, in 1998, we had what was considered to be the largest oil collapse since 1900. The price of oil in my State, which is heavy oil and less expensive than some other places, was $5 or $6 a barrel. Now, of course, we are faced with oil prices that are in the neighborhood of $30 a barrel.

I think we will hear a great deal of talk that we need to find a long-term answer to stabilize the production cost of energy so we have, in fact, an ample amount of energy. We need an incentive to produce energy on a continuing basis so the price is relatively stable.

I have talked to a number of the producers in my State, and production is still not as high—there are not as many wells, not as many pumps—as it could be. We say the price is as high as it has ever been, but there is no assurance it will continue, so you are hesitant to invest the money you have—a great deal of money, as a matter of fact—when you do not know if that price is going to be back where it was before. So what we are talking about basically is some kind of policy that would bring about some stability in fuel prices.

I thank Senator MURKOWSKI, the distinguished chairman of the Senate Committee on Energy and Natural Resources, for his interest and leadership in this matter. Why this has happened is no real surprise. There are a number of things, frankly, that have happened over time, and this administration cannot be surprised that we now have energy prices that are impacting truckers' diesel fuel prices, that are impacting seniors, that will have an impact on the tourism economy in my State of Wyoming and in agriculture, and certainly in many places in home heating.

It is not a surprise this has happened. We need a long-term energy policy. We need tax relief for low-production wells. We need commonsense royalty collection. We need access to public lands for a multiple-use concept and to develop oil and gas and coal.

By the way, the Senator from West Virginia spoke of coal. Certainly, that is very important as well. Wyoming is the largest coal producer in the Nation, low-sulfur coal. We are very pleased with that.

There will be opportunities for quick fixes. Certainly we support the idea of Low-Income Home Energy Assistance Programs, for example. But the fact is, over time, we will need a policy that is not just short- but rather long-term so we can get away from this idea that we are going to be threatened in both our national security and our fiscal security from time to time because of this.

Part of it is regulatory. EPA has tried to shut down coal-fired powerplants in the U.S. when all they were doing was routine maintenance. Coal supplies 55 percent of the Nation's electricity. A third of that is produced in Wyoming.

There is an interchange between energy uses. Of course, you do not use coal in the car, but you can use coal in some places where you could then release the oil for transportation.

Lots of things are occurring. The Secretary of Interior, Mr. Babbitt, is talking about taking down hydroelectric dams in the Pacific Northwest. We have had substantial limitations on the use of public lands in the West particularly. Vice President GORE has promised to prohibit future exploration for gas in the Outer Continental Shelf, places where we could do this and at the same time protect the environment.

We are into this whole question of nonaccess to public lands. It is part of this administration's idea of the land legacy, where we have now 40 million roadless acres in the forest. We have BLM roadless areas that keep us from using the multiple resources. Interestingly enough, the access thing goes so far as national parks, where now there is a policy in winter use to keep people away from the access to Yellowstone Park but at the same time promote the burning of nuclear waste upwind from the park, and have no concern about its impact. Interesting.

A failed domestic policy is certainly what we have. It has already been mentioned that, since 1992, U.S. production is down 17 percent; consumption is up 14 percent. In just 1 year of the Clinton-Gore operation, oil imports increased 7.6 percent. It is now at 56 percent and growing. It will be up as high as 65.

The United States is spending $300 million a day importing crude oil, $100 billion a year. One-third of the trade deficit is based on the importation of oil.

So these are the kinds of things with which we are faced. We certainly need a long-term policy. As I suggested, we need to take a look at the Rocky Mountain States. We need to take a look at Alaska. We need to take a look at offshore opportunities, tax incentives to help oil production get started, exploration costs.

Yesterday, I cosponsored a bill introduced by Senator KAY BAILEY HUTCHISON from Texas on marginal well credits. I think these are the kinds of steps we can take—incentives, of course, trying to make regulations that do not inhibit production moving forward.

We have a lot of things to do. There are some real impacts, in addition to the costs. In 1990, U.S. jobs exploring and producing oil involved 405,000 people. In 1999, jobs exploring and producing oil and gas were down to 293,000—a 27-percent decline in the production of energy.

I think there is a great deal we can do, but the overriding demand is to have a long-term policy which helps us to increase our domestic production so we are less reliant on overseas oil. American families should not have to bear the full cost of this failed energy policy. In the long term, I hope the administration will embrace Congress' efforts and we will move forward. I yield the floor.

Mr. MURKOWSKI. I wonder if my friend from Wyoming will yield for a question relative to the advanced technology applicable to coal.

I believe there have been projects in Wyoming that have addressed the issue in general terms of clean coal, how it can be reformulated to reduce the moisture and generate higher Btu's. I wonder if the Senator could comment briefly as to the area in Wyoming, as well, that could be available for oil and gas and coal exploration but has been withdrawn by the administration, and the rationale behind that; if those areas were open, what they might contribute to lessen our dependence on imports.

Mr. THOMAS. The Senator is correct, of course. There are a great many things that could happen. We have low-sulfur coal, which is very clean, but it is relatively low Btu. You can do some things to enrich the Btu's. One of the problems is transportation. We have this great coal now that costs us less than $5 a ton. That is what it is worth at the mouth of the mine. But if you take it then to Fort Worth, TX, it is $25 because of transportation. You could transport many more Btu's if you would do this enrichment.

Fifty percent of Wyoming belongs to the Federal Government. Some of it is set aside, of course, and should be, as wilderness. Some of it is set aside in forests and lands that need special protection. But much of the land is high plains lands, and so on, that can be used for multiple use, can be used for production. Frankly, it has been made so difficult. We have had such a hard time with royalty payments, these kinds of things that really are unnecessary.

The Senator from Alaska is right. We can do a few things to encourage domestic production and really take us out of this kind of a proposition.

Mr. MURKOWSKI. I thank my friend from Wyoming.

I believe the Senator from Maine seeks recognition, Ms. COLLINS. She represents a part of the country that has been very hard hit by high heating oil prices with a cold winter.

While we have seen excuses made relative to certain volumes of storage capacity being taken out of existence for heating oil because of age and the fact that they did not comply with current environmental requirements for fuel oil storage, we have seen refineries go out of existence. But the constituents in her area have been hit very hard.

It is my understanding that this year in the Northeast corridor there is a potential threat associated with high electric prices as a consequence of the likelihood that, indeed, some of the oil-fired plants are going to have to be put on line to meet peak demand. The costs associated with the high price of oil to fuel those plants will be passed on to the consumers in her areas, which puts a further burden on the residents of the Northeast corridor. As a consequence, that addresses the dilemma we have: Whether we are going to continue to rely on imports of energy or finally develop a balance with domestic alternatives.

How much time does the Senator from Maine need?

Ms. COLLINS. I request 10 minutes, if that is available.

Mr. MURKOWSKI. I am happy to yield 10 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I begin my remarks this morning by commending the Senator from Alaska, the distinguished chairman of the Energy and Natural Resources Committee, for his outstanding leadership in pulling together a plan to deal with the oil crisis.

He has been very attentive and responsive to the concerns of those of us who represent Northeast States. He has pointed out, correctly, time and again that one reason we are in such a bind where we are experiencing this oil crisis is that this administration has had no plan, it has had no policy. Thus, we have been particularly vulnerable to the manipulation of our oil markets by the OPEC nations.

I commend the Senator from Alaska for his leadership. It has been a great pleasure to work with him.

During the past winter, in Maine, home heating oil prices have more than doubled from the level of the previous winter. I point out, we still have a lot of winter left in New England. It is difficult to remember, when we are in Washington and surrounded by the cherry blossoms that are in full bloom and the tulips that are coming up, that in my home State of Maine we still have a considerable amount of winter yet to go through.

In fact, last weekend, when I was in Maine, in Aroostook County, the temperature was a very chilly zero degrees; and in southern Maine, in Portland, on Sunday morning the temperature was 9 degrees. The crisis, as far as the impact of home heating oil costs on my State—and on many New England States—has not yet eased. The crisis is very much still with us.

Moreover, we are now seeing the increase in oil prices affecting the cost of gasoline. According to the latest American Automobile Association survey, gasoline prices in Maine now average a staggering $1.62 a gallon. In some parts of the State, such as Aroostook and Washington Counties, the prices are even higher. And there is no end in sight.

The Department of Energy has predicted sharply higher prices for gasoline as the summer approaches. Again, this is a particular concern to my State of Maine. We are very dependent on the tourists who come to Maine to enjoy our beautiful scenery and outdoor recreation during the summer months. I fear that many of them will stay away if they are confronted with gasoline prices that approach, or perhaps even exceed, $2 a gallon.

The reason behind these soaring prices is simple. OPEC's decision to engage in unfair and anticompetitive practices to constrict the supply of oil and drive up the prices is responsible, primarily, for the crisis we face. This cartel inflicts—and will continue to inflict—economic hardship on the families and the businesses of the Northeast and throughout America. The results of the jump in oil prices may have been felt first in the Northeast, but they are rolling as thunder across America.

Let's look more closely at the primary cause of the oil crisis.

OPEC is a cartel of 11 oil-producing states that supply over 40 percent of the world's oil and possess over 77 percent of the world's total proven crude oil reserves.

OPEC member countries have colluded to take some 6 percent of the world's oil supply off the market in order to maximize their profits. And the strategy is working.

Although OPEC countries sold 5 percent less oil last year, their profits were up by more than 38 percent.

Last October, I began warning the Clinton administration about OPEC's production squeeze and the detrimental impact the cartel would have on our economy. At that time, oil prices were already beginning to rise and U.S. inventories were falling.

Throughout the winter, Mainers and all Americans who heat with oil have suffered from the highest prices in a decade. Gradually, the economic pain caused by OPEC has spread throughout the country. The entire Nation is suffering—and will continue to suffer—the results of record high fuel costs.

Last fall, the administration, in response to the concerns Senator SCHUMER and I and other Members expressed, told us what it is still telling us: Just wait and see. Be patient. We will somehow increase production. We will convince OPEC to raise production to normal levels.

We have waited and waited and waited. The cost of oil has gone from $20 to $25 to $30 to $34 a barrel. Energy Secretary Bill Richardson has admitted that the ''Federal Government was not 'prepared' for this crisis. When he was in Maine, he said they had been 'caught napping'.'' That is an astonishing admission of a lack of leadership by this administration.

The fact is, this administration has no plan, no policy, no approach for dealing with this crisis. It has no energy policy at all. The administration should act immediately to combat OPEC's manipulation of oil markets by using a tool that has proven effective in the past; that is, a measured release of oil from our Strategic Petroleum Reserve.

Along with Senator SCHUMER, I have repeatedly asked the administration to release some of the oil from our Strategic Petroleum Reserve into the marketplace. I have worked with the chairman to make sure it would be done in a way that did not in any way jeopardize our national security. It would not in any way drain the reserve, which has approximately 575 million barrels in its storages. This would ease the price.

Last November, again, Senator SCHUMER and I introduced a bill making clear the President's authority to act. Time and again, we called upon the administration to take some action to provide us with relief. On March 2, we introduced legislation calling upon the administration to draw down the SPR in an economically feasible manner using what is known as swaps. A release from the SPR would have an immediate and dramatic impact on the price of oil. It would help break OPEC's resolve to maintain an iron grip on our Nation's oil supply.

I will relate what has happened in the two past cases where we did have a measured release of oil from our reserves. In 1996, the administration sold oil from the SPR simply to raise revenue, and oil prices declined almost immediately by over 7 percent. That was in response to merely the announcement of a one-time sale of 12 million barrels. Previously, when President Bush tapped the reserves during the gulf war, prices dropped by 30 percent.

In proposing that we release oil from our reserves, I am pleased to have the very strong support of the American Trucking Association. Perhaps no one has felt the pain of soaring oil prices more than our Nation's truckers. The jump in prices deeply harms them and, by extension, all American consumers and businesses.

I have heard from a small Maine trucking company that is in dire straits. One operator of a trucking company in Ellsworth tells me that due to the high cost of diesel, many independent contractors with whom she contracts will simply not be able to stay in business. Potato farmers in northern Maine are concerned they are going to have increasing difficulty in shipping their crop because the high cost of diesel has made it economically infeasible for truckers to drive to Aroostook County. High diesel costs also hurt our lumber and paper industries.

Everyone shares in the pain inflicted by OPEC. Record-high crude oil prices hurt all Americans—at the pump, on the farm, in the supermarket, at the airline ticket counter, and at home during cold nights. These exorbitant prices even hurt our kids. Recently a newspaper in my State reported that the high cost of fuel is straining school budgets in Maine. Several schools have canceled all field trips because they have already depleted their budget for gasoline, diesel, and oil costs for the year.

I have been disappointed that the administration has failed to heed our call during the past several months. What makes the administration's failure to act even more perplexing is the fact some of the nations involved in the scheme to manipulate prices are supposedly our allies. They have depended heavily on American support in the past. These countries include Kuwait, Saudi Arabia, Venezuela, and Mexico. I am so frustrated in particular with Kuwait and Saudi Arabia. We rescued these countries; 147 Americans gave their lives in the cause of freeing Kuwait and protecting Saudi Arabia.

I hope next week when the OPEC nation ministers meet they will decide to restore normal production levels. But we cannot wait. We have to keep the pressure on. We have to provide short-term and long-term relief.

There are other steps we could take. We should suspend the 3.4-percent gas tax hike while protecting the highway trust fund, and we must make clear to the OPEC nations that we will not stand idly by.

Again, I thank the chairman of the task force and of the committee for his excellent leadership. I look forward to continuing to work with him on this very critical issue.

Mr. MURKOWSKI. Mr. President, I thank my good friend from Maine for an update on what has occurred as a

consequence of the crisis in the Northeast corridor and the implications associated with that in her area. I think she certainly has been diligent in attempting to bring about some relief for her area. It is unfortunate that the administration's answer seems to be soliciting more imports. Of course, those of us who follow this closely know that it is somewhere between 6 and 8 weeks before a barrel of oil that originates in Saudi Arabia is going to be available in her area for the benefit of relieving those who are subjected to the high prices of heating oil.

Before I recognize my friend from Texas who is seeking recognition on this subject, I remind my colleagues that there is going to be a lot of finger pointing as to who bears responsibility. The claim by the administration that they have been ''caught by surprise'' suggests that they must have been napping because evidence certainly shows that the President had knowledge of the extent of this crisis developing back in 1994, when the Independent Petroleum Association of America petitioned the Commerce Secretary, under section 232 of the Trade Expansion Act. Under that act, upon a request from an interested party, which the independent petroleum producers certainly were, the Secretary of Commerce must institute, over a 270-day period, an investigation into whether imports threaten U.S. national security. Then, if the Secretary determines such imports do threaten national security, the President has 3 months to disagree or agree and, if he agrees, to determine a response or a solution.

In 1994, the Independent Petroleum Association petitioned the Commerce Department. At that time, the late Secretary, Ron Brown, under section 232 of the Trade Expansion Act, responded. After study, the Department of Commerce found that imports did threaten the national security and reported this to our President. What was the President's response? I quote from the 1994 findings:

> I am today concurring with the Department of Commerce and their finding that the Nation's growing reliance on imports of crude oil and refined petroleum products threatens the Nation's security because they increase U.S. vulnerability to oil supply interruptions.

Granted, that was in 1994, but something else happened in March of 1999. The Congress asked for a new section 232 finding on oil imports.

I ask unanimous consent that a letter asking the Department of Commerce for an evaluation under section 232 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, March 12, 1999.

Hon. WILLIAM M. DALEY,
Secretary of Commerce, U.S. Department of Commerce, Washington, DC.

DEAR SECRETARY DALEY: For over a year now, the world oil market has been glutted with excess supply, which has severely depressed oil prices. The crash in oil prices has resulted in record low gasoline prices and shaved at least half a point off the inflation rate. At the same time, the impact on domestic oil production has been devastating. According to a January survey by the Independent Petroleum Association of America (IPAA), 193,000 marginal oil and gas wells have been shut down wth a loss in oil production of 360,000 barrels per day since November of 1997. Even if oil prices were to increase to $14 for the next six months, another 184,000 oil wells would likely be shut in. Once marginal wells, well that produce less than 10 barrels per day, are shut in they rarely come back into production. With 1 million barrels per day of U.S. production coming from marginal wells, loss of that production would have a dramatic impact on U.S. oil imports.

The future implications of a slowdown of this magnitude are severe and long lasting. New drilling is down nearly 50 percent. In general, the only wells being drilled are those required to maintain a lease. The major oil companies have announced significant cuts in capital spending, averaging 20 percent. The impact on the United States, a high-cost province, is expected to be a reduction in capital spending on the order of 40 percent. The absence of new drilling means that for several years we are going to have declining production as old fields are depleted without new fields being brought into production. Oil development requires long lead times and oil production cannot be brought back up in short order.

According to press reports, oil industry bankruptcy filings started to accelerate late last year. The courts in Texas alone are expecting over 80 Chapter 7 oil industry bankruptcies as a result of the crisis. Over 24,000 jobs directly in the oil industry have already been lost, with another 17,000 expected. In the short run, the economic impacts in some areas are staggering. In the long run, the risk is the lost capability for domestic production. As companies go out of business, equipment is taken out of service and people are forced to find other lines of work. As the United States discovered after the last price downturn, once the expertise and capability disappear, they are costly to replace when prices do recover.

The total U.S. trade deficit last year for goods and services was $168.6 billion, up from $110.2 billion in 1997. The petroleum contribution to the deficit was $20 billion less than in 1997, even though imports of crude oil were up 6 percent and all petroleum products 8 percent. When oil prices recover, and they will as non-OPEC supplies decline and developing country economies emerge from recession, our trade deficit figures will see a sharp increase. The Energy Information Administration, in its Annual Energy Outlook 1999, is projecting oil imports as high as 71 percent of consumption by 2020 at a cost of $100–$158 billion. While low oil prices have provided obvious benefits to the economy in the short run, we believe it is reckless not to be taking immedate action to mitigate the future impact of our increasing dependence on imported oil.

In 1994, your Department conducted a review under section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and found that the nation's growing reliance on imports of crude oil and refined petroleum products threatened the nation's security because they increase U.S. vulnerability to oil supply interruptions. On February 16, 1995, President Clinton concurred with the finding, but took no action. In 1994, the U.S. was 51 percent dependent on foreign oil; in 1998 it was 56% dependent. Clearly, the security threat that was found in 1995 has increased along with those imports.

With all these factors in mind, we are hereby requesting that you conduct an expedited review and investigation into the impact of low oil prices and ever increasing oil imports on the United States national security under the authorities granted to you under Sec. 232 of the Trade Expansion Act of 1962. A finding that the level of oil imports is a threat to our national security will put the focus on a national policy to respond to the crisis. We respectfully request that you complete your investigation and send your findings to the President within 60 days.

Sincerely,

Jeff Bingman, John Breaux, Mary L. Landrieu, Frank H. Murkowski, Kent Conrad, Michael B. Enzi, Max Baucus, Byron L. Dorgan, Trent Lott, Conrad Burns, Blanche Lincoln.

Mr. MURKOWSKI. Further, I note that that particular letter is a bipartisan letter. Many Democrats as well as Republicans are on that letter, specifically asking, again, for a new finding on oil imports and pointing out that the domestic oil and gas industry was basically in a free-fall—this was March of 1999 —and that that free-fall would further threaten our national security.

In April of 1999, Secretary of Commerce Daley initiated the study. That study was delivered to the President last November. Now, the President has not released that study, but clearly that study is going to point out that national security is at risk because of our increasing dependence on imports. Why hasn't the White House released that report?

Yesterday the Majority leader, Senator LOTT, along with Senator WARNER, chairman of the Armed Services Committee, Senator HELMS, chairman of the Foreign Relations Committee, and myself wrote to the President laying out this sequence of facts and asking the President to release that report that has been sitting on his desk since November. Now, he is required by law to do this within 90 days—which has past. So when I hear from the administration that they were caught by surprise, or caught napping, I can only assume they haven't been reading their mail, or they haven't been moving the reports, or they have decided they didn't want to bring this issue up before the American people, because they were told in 1994 and they were told again last November that we were risking our national security as a consequence of our import and dependence on foreign oil, which is now up to 56 percent.

The Department of Energy, in its own forecast last year, said in the years 2015 to 2020 we will probably be in the area of 65-percent dependent on imports. I am not buying the excuse that they were caught napping or caught by surprise. They were caught because they haven't done anything about it. They haven't wanted to do anything about it. They hoped they would get out of town before the American public became aware, before the crisis hit, before the farmers came to Washington, before the truck drivers came to Washington, before we had a surcharge on

our airline tickets, before we were approaching $2-a-gallon gasoline. But it has caught up with them.

It will be very interesting to hear what the White House is going to say now that they have this report under section 232 of the Trade Expansion Act; they have had it since November. And why haven't they released it to the American people?

I ask the Senator from Texas how much time she will need. We have had 7 minutes. We have had 10 minutes. And we have a couple more speakers. Is 10 minutes adequate?

Mrs. HUTCHISON. Yes.

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to my good friend from Texas, who has been very much an integral part of our Special Energy Committee to try to address some short-term, interim, and some long-term relief for the crisis we are currently facing in our country.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska, the chairman of our Energy Committee, for taking the lead on this very important issue. Not one person who drives a car in this country or rides on an airplane can fail to realize what is happening—that we have oil prices that are going through the roof and it is affecting every one of us in our daily lives.

The sad thing is that this could have been avoided. We had the opportunity to present an energy policy in this country that would not make us beholden to foreign oil resources. In fact, when President Clinton took office, we imported 48 percent of the oil needs in our country. Today, it is approaching 56 percent. Over 50 percent of the oil needs in our country are imported.

I am going to vote for all the quick fixes that we can to get prices down as quickly as possible because it does hurt people who have to drive for a living, or those who are planning family vacations, to have this kind of added expense they didn't count on. But if we do a short-term fix without a long-term fix, we are doing nothing to solve the real problem in this country—that we are consuming more oil than we are producing and we are too dependent on foreign sources.

I want to help the people in the Northeast who are suffering from terrible heating oil shortages and high prices. I want to help every American who is driving a car and seeing $50 register on the gasoline pump. I want to make sure we realize we can do something to make our own country more self-sufficient and these are things that will be good for everyone.

When prices were so low that small producers could not break even—in 1997 and 1998—we lost much of the small business in our country that is in oil production. I have a great empathy for farmers in our country, as does Congress and the President. So when prices are artificially low for agricultural products, we do something for the small farmer to make sure they can stay in business because they are the bread basket of America and it is in all of our interests to do that.

But somehow, when we talk about small oil producers, people don't think of that as a small business. They think of oil as big oil. They think of it as J.R. Ewing. That is not the small producer in our country. A normal well in our country would be putting out 1,000 barrels. In Alaska, they put out 6,000 barrels a day. When we talk about a marginal well, we are talking about a 15-barrel-a-day quantity; the output is 15 barrels a day. This is a very small, low-profit-margin well. These are small businesses that are creating jobs in America.

What I want to do as part of a long-term solution is help those small producers when prices go so low that they have to go out of business and close their wells. In 1997 and 1998, 20 percent of these producers were put out of business because prices were $7, $8, $9 a barrel and they could not break even. Once a well is shut in, they pour concrete down the hole, so it is very expensive to reopen it.

Now, to put this in perspective, you might think, why would we want to save a 15-barrel-a-day well? The reason is that all of those small wells, put together—about 500,000 of them across the country—can create the same amount of oil as we import from Saudi Arabia. So if we can keep these little guys in business, that creates a base for our country that does make a difference—the same amount of oil we import from Saudi Arabia that we are getting in our own country, creating jobs in our own country, creating tax-paying citizens, paying taxes to school districts, paying sales taxes to our States and income taxes to the Federal Government. So this is not a loss to the Federal Government; this is a win for everyone.

In my State of Texas, where they have given tax breaks to small producers—the 15-barrel-a-day producers—they have reopened wells and they have put over a billion dollars into the economy of the State just by giving incentives for these small guys to stay in business. So if we can do this when prices fall below $17 a barrel, we will create revenue for our States and Federal Government, jobs for American people, and we will create more oil so the price is stabilized, so we won't see the spikes caused by foreign countries deciding they are not going to produce. It is a win for everyone.

This is not big oil. The big oil companies rarely, if ever—I would say never, but I could be wrong; maybe there is a well out there that is 15 barrels a day, but it is not the kind of thing big companies do. But it is a livelihood for a small producer, and we should treat them like a small family farmer because it is in our interest to do so. It doesn't hurt us in revenue, it helps us.

My addition to the long-term solution here is to help producers who are drilling wells that produce 15 barrels a day, or less, by giving them a tax credit for the first 3 barrels of the 15 barrels when the price falls below $17 a barrel.

That is it.

If it goes to $18 a barrel, there is no tax credit because then they can break even on their own. But when it falls below $17, then they need that help to keep those jobs, to keep that well pumping until they get to $18 a barrel. Frankly, if we did this, the prices would stabilize and we wouldn't have the lows and the highs.

I commend our chairman, Frank MURKOWSKI, for putting together a package. I wish we had an energy policy from the administration. I hope they will work with us.

Our package says we are going to lower the gasoline taxes immediately until prices go back up to the $17 or $18 a barrel level; we are going to give help to people who need help in extra funding for fuel oil; we give help to the truckers who rely on fuel prices being at a steady level when they make contracts. We will do the short-term fixes. But we must address the long-term problems. If we did, we could pump immediately 250,000 barrels a day in our country with the small guys, with the little guys—the little oil producers who would reopen a well or believe they could make the investment to go back in and start drilling again—and start our production so we would not be totally beholden to foreign countries for our energy needs.

I hope our package is not just short-term fixes because if it is, we will be walking away from the responsibility of Congress to have an energy policy that will for the long term stabilize prices at a reasonable level so we can keep jobs in America and so we can have the security that we will not import more than 50 percent of the needs of our country.

Thank you, Mr. President.

Mr. MURKOWSKI. Mr. President, I wonder if I might ask a question of my friend from Texas relative to, again, the contribution of these small stripper wells. They are prevalent in our State, Oklahoma, and other areas. While they don't produce much, the numbers are significant. Collectively putting them together could offset dramatically a significant portion of what we import.

Mrs. HUTCHISON. That is exactly right.

Mr. MURKOWSKI. Does the Senator have a figure on how significant they are collectively?

Mrs. HUTCHISON. I think the chairman is exactly right. In fact, if we helped these small stripper wells and these little guys so they could afford to go back in and drill again, we would be creating the same number of barrels as we import from Saudi Arabia. They could produce 250,000 barrels almost immediately if they knew there was a policy that would protect them against a drop because then they could afford to make the investment.

Mr. MURKOWSKI. When they are shut down, they are difficult to reopen and are almost lost.

Mrs. HUTCHISON. That is exactly right, and 250,000 barrels a day could come on line practically immediately.

Mr. MURKOWSKI. This proposal of a floor and a ceiling for somewhere in the area of $14 to $17 would guarantee them an opportunity to continue when prices dropped below a figure and when ordinarily they would cease to exist because they couldn't operate below that price.

Mrs. HUTCHISON. They couldn't exist when prices fell to $11, $10, or $9 a barrel. They cease to exist. Some of them will never come back.

Mr. MURKOWSKI. We would be losing those jobs, and the dollars would be spent overseas.

Mrs. HUTCHISON. When the price goes to $18 a barrel, there are no tax credits—nothing—because they can make it on their own.

Mr. MURKOWSKI. I very much appreciate the contribution of the Senator from Texas who has been very instrumental, I think, in coming up with some solutions as opposed to just importing more oil.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. MURKOWSKI. I yield 6 minutes to my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

I think one thing the Senator from Texas, Mrs. HUTCHISON, failed to say is that she has legislation to do the very thing she is talking about that is critical to more than just the economy of this country and just the price of oil but also to our national security.

I can remember in 1985 serving in the other body. At that time, we and Secretary of the Interior Hodel had a dog-and-pony show where we would go around the Nation and explain to people in consumption States that our dependency on foreign sources for our oil was a national security issue. That means we are dependent upon them for our ability to fight a war. This is an incontrovertible fact. In fact, if you go back to World War I, the wars have been won by those countries that have control of the energy.

I certainly applaud Senator HUTCHISON for her legislation. I am a cosponsor.

I think this is one of the ways we do it. We have two major sources in this country that we need to tap: One is in the State of Alaska, and offshore. I have been up there. I know how compatible that is to the ecology up there. I believe we are going to have to do it. Of course, in our areas, to some degree—Arkansas, Oklahoma, and Texas in the oil belt—we have tremendous reserves. But all of it is in shallow steppes.

She talks about 15 barrels a day. I used to do this for a living. I was a tool dresser on a table tool rig. Nobody knows what a table tool rig is anymore. But at that time, you had to work and work very hard.

It costs us in the United States of America 10 times as much to lift a barrel of oil out of the ground than it costs in Saudi Arabia.

You would think we were smart enough in this country to learn from experience, but we are not. In 1973, we were going through exactly the same thing we are going through today. The OPEC countries could produce oil cheaply. They had control of this. We were at that time only 36-percent dependent upon them, but that was enough for them to control to the extent they lowered the price and starved out the small, marginal well producers and stripper producers. They were no longer able to stay in business.

It is not easy to say: It is fine now because it is $38 a barrel, or $28 a barrel. It doesn't work that way. There has to be a predictability of price.

When you are making an investment decision to drill one of these wells, that has to be made about 6 months before you actually go into the ground. If you have fluctuating prices, you can't find many people who are willing to risk their capital to go in the ground. We have to have predictability. The only way we are going to have that is with a national energy policy.

I have probably been the chief critic of this administration in every area, from energy to national defense. But in this case I have to, in all fairness, say we do not have a national energy policy. We tried to get a national energy policy under President Reagan, under President Bush, and certainly under President Clinton. We have not been able to do it. This is where we are going to have to concentrate our efforts.

I think people who are concerned about prices need to understand there is another thing coming, and that is the EPA. Truck drivers have been requesting that Congress step in to reduce the cost of diesel fuel. If they think prices are high now, wait until the EPA finalizes their sulfur and diesel rule. I have talked to small refiners. They do not know how they can operate at that particular level. That is going to have a direct effect. It could double the cost of diesel.

Yesterday, Carol Browner said she wanted to eliminate the oxygenate mandate in fuels. However, she wants to mandate that all fuels contain a 1.5-percent renewable component. That means the cost is going to go up. It is done under the banner of the ecology.

The issue we are dealing with today is far more serious than just the price of gas at the pumps or the price of oil to heat our houses. This is a national security issue. We are now dependent upon foreign sources for our ability to defend America.

It has to come to a stop. The only way it can come to a stop is develop a national energy policy, the cornerstone of which is a percentage beyond which we cannot go beyond for dependence on foreign sources. I applaud the chairman for his efforts and join in the efforts to bring about such a policy.

Mr. MURKOWSKI. I thank my friend, the Senator from Oklahoma. I remind the Senator that in 1973 when we had the Arab oil embargo, we had a bipartisan effort to come together, to take steps to ensure we would never be over 50-percent dependent on imported oil. We created the Strategic Petroleum Reserve. Clearly we didn't follow what we were preaching at that time. I thank my friend from Oklahoma for his contribution.

In the remaining minutes, I will point out a couple of relevant facts I think Members need to be cognizant of. One of the short-term proposals that our energy caucus has come up with is to support a temporary suspension until year end of the 4.3-cent-a-gallon gasoline tax that was added in 1993. Some will remember we had a debate on the floor regarding that tax. We were tied on the 4.3-cent-per-gallon gasoline tax increase. Vice President GORE came to the floor and broke the tie. Some have taken the opportunity to suggest this is the Gore tax, the 4.3 cent a gallon. It amounted to a 30-percent tax increase on the gasoline.

We are proposing a temporary suspension. The proposal suggests we will not jeopardize any of the contracts that are outstanding for highway funding this year, that we will replace the offset by the end of the year through the general fund or surplus, or a combination of both, or perhaps if the price of oil should come down, we will do it that way. However, we clearly will not jeopardize the highway trust fund by this proposal.

Another reality I think is worth mentioning because it is very significant relates to the fact we are currently importing a significant amount of oil from Iraq. We fought a war over there not so many years ago. We lost 147 American lives of service men and women. The object was to expel Saddam Hussein from Kuwait. We have 458 Americans who were wounded; 23 were held prisoner of war. What has it cost the American taxpayer since the end of the Persian Gulf war to ensure that Saddam Hussein stays within his borders? A little over $10 billion—we were enforcing a no-fly zone; we were enforcing some embargoes. I mention this because of the inconsistency.

Now we are importing oil from Iraq. Our greatest percentage of growth in imports is coming from Iraq. In 1998, I think it was 336,000 barrels a day; In 1999, it is over twice that much.

Where is the consistency in our policy? We can condemn the Saudis for not increasing oil production. We can condemn the Mexicans. The Secretary of Energy went to the Saudis and said: We have an emergency, we need more production.

Do you know what they said? They will have a meeting on March 27 and let us know. He says: No, you do not understand. We have an emergency. And they said: No, we have a meeting.

He went to Mexico and begged for more production from Mexico. Do you know what the Mexicans said? They said: Where were you, United States, when oil was $13, $14, $15 a barrel and our economy was in the bag?

That is what we are hearing as a consequence of our dependence on this source. Some suggest we should consider pulling out troops if OPEC fails to raise production. Obviously, that is contrary to our own best interests, as well.

It is important to point out the inconsistencies associated with our policies and the realization we have allowed ourselves to become so dependent. We were aware of it as evidenced by the section 232 Trade Expansion Act report. The President had it in 1994 by the Department of Commerce and he had it last November and he has not chosen to release it. That is where we are.

I conclude by reminding my colleagues that things are probably going to get worse in some areas of the country. We had the Senator from Maine indicate the difficulties associated with heating oil. Let me advise the Northeast corridor that there may be higher electric generation prices coming this summer in their electric bills. Only 3 percent of the Nation's electricity comes from oil-fired generating plants, but in the Northeast corridor it is much higher. It is estimated that the older oil-fired plants will have to come online this summer and the price will go up because they use a uniform price method to set prices.

In other words, the last energy source that comes online dictates the price for the other sources and there is a windfall. In other words, those providing electricity using gas, which is cheaper, charge the same price as those generating electricity using oil. If I have not confused the President, I think he has an idea of the point: Electricity prices will go up in the Northeast.

The Northeast corridor relies 33 percent, I am told, on fuel oil for its power generation. By some estimates, an oil plant that offered electricity at $37 per megawatt hour 1 year ago may now seek a price of $75 or more—assuming fuel is purchased on the open market. It may be more as owners of oil units are free to ask whatever price desired.

If there were an abundance of power this would not be an issue, but there is not an abundance of power. It is very likely, according to the estimates we have received from sources in the industry, that every kind of generation available will likely be utilized this year in the Northeast corridor—including fuel-oil units.

The bottom line is that as long as OPEC controls the price of oil and we allow our domestic production to continue to decline, American consumers continue to pay the price.

The alternative is clear: We have to reduce our dependence on imported oil. To do that, we have to go across the breadth of our energy sources. We have to have the people in the Northeast corridor recognize the answer to their problem is more domestic production and less dependence on imported oil. That suggests an aggressive policy of opening up the overthrust belt in the Rocky Mountains, opening up Alaska, opening up OCS areas, and do it right, with the technology we have. Otherwise, this situation will happen again and again and again. The Northeast corridor will feel it first and foremost.

I thank the Presiding Officer for his patience and diligence in listening to the presentation.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee is recognized to speak for up to 50 minutes.

Mr. KERREY. Mr. President, I yield such time as necessary for this presentation.

The PRESIDING OFFICER. The Senator is recognized.

THE MIDDLE EAST

Mr. KERREY. Mr. President, last week, in the middle of a 10-day trip to Syria, Lebanon, Jordan, and Israel, I read a story in the International Herald Tribune about a discovery made by a joint Chinese-United States paleontology team in China. The team found 45-million-year-old fossil remnants of an animal the size of a thumb they believe is a key evolutionary link between pre-simian mammals and human beings. From an analysis of the fossils, the team speculated that the animal met an unfortunate fate: He became the regurgitated meal of a hungry owl.

Misery loves company and there are times in the Middle East when one feels like that unfortunate animal trying to figure out and understand what our policy ought to be to pursue peace in that turbulent, difficult region.

In the Middle East the search for peace can seem as slow to develop and the politics can be as brutal as the rules of natural selection where survival is the most important virtue. For most of the modern era survival in the Middle East has been defined in military terms. However, because the Middle East is not immune from the competitive demands of the global economy, increasingly survival's definition has been modified with economic strategies and analysis.

That is among the most important reasons for improved chances of peace between Israel and Syria. To that end President Clinton's decision to fly to Geneva, Switzerland to meet with Syrian President Hafez al-Assad is a very hopeful sign. The President has a high degree of respect from both President Assad and Israeli Prime Minister Barak. As such, he may be able to convince Mr. Assad to make some gesture to the Israeli people which will make possible the eventual surrender of the all-important Golan Heights. The Golan Heights were captured from Syria on June 10, 1967, at the end of the Six Day War, and have been a part of Israel for 33 years; no Israeli leader can surrender this land unless legitimate security concerns are thoroughly satisfied.

If the President's discussions with President Assad do help produce a peace agreement between Israel and Syria, it will add momentum to the successful completion of final status talks between Israel and the Palestinians. It will decrease the potential for tragedy in southern Lebanon following Israel's unilateral withdrawal by July 1. And finally, it will increase the chances that Lebanon could become more independent from Syria.

Syria's 15 million people are facing a very uncertain future. This uncertainty begins with the nature of their government—a dictatorship with President Assad in absolute control. Mr. Assad has held power since 1970 and has tried to give the impression of popular support with coerced referendums; in 1991 he received a ''vote of confidence'' from 99.9 percent of Syrians. However, Mr. Assad's age and health make it likely that power will be transferred in the next few years. The current leading candidate is the President's son, Bashar, a thirty year old ophthalmologist.

Peace with Israel would make it much more likely that President Assad's son would survive in power. A peace agreement would mean normalized relations with Israel and an end to Syria's support of terrorism. It would make it more likely that badly needed investment would enter the country and it would allow Syria to divert much needed resources from defense into health and education. The resulting economic growth would bring newfound opportunities to the Syrian people though not nearly as great as the opportunities they would have if they would begin a transition away from a dictatorship to democracy.

From the Israeli point of view, a peace agreement with Syria would bring benefits that could lead to solving regional economic problems as well as contributing to a more favorable agreement with the Palestinians. Peace would mean that all three nations—Jordan, Egypt and Syria—with whom Israel has fought three wars would recognize Israel's right to exist as an independent nation.

In theory it would seem like peace is possible, but the Middle East is a place where life is always standing theory on its head. Not only is a U.S. Presidential election coming to a theater near all of us in 8 months, but the political scene in both Syria—a dictatorship with transition difficulties—and Israel—a democracy divided into smaller and less effective political groups than at an time in its 50-year history—makes it most likely that defeat will once more be snatched from the jaws of victory.

I would say the chances of success are comparable to making a three-ball

pool shot on a pool table littered with debris. However, given the benefits of peace it is a shot work taking.

The benefits for the United States of an agreement between Israel and Syria are considerable. They include:

Improved security for Israel, our closest ally in the region;

Increased openness and opportunity for regional cooperation since Israel would then have peace agreements with Syria, Jordan, and Egypt;

Decreased threat of terrorism directed at Israel or the United States;

Increased chances that Lebanon can become a fully independent and democratic nation; and,

Greatly decreased threat of catastrophic use of weapons of mass destruction in this fragile region.

The benefits to the United States must be quickly understood by Congress because when an agreement is reached, there is no doubt that the United States will be asked to spend money in order to give both sides the confidence that peace will make them more secure. The figure of $17 billion over a 10-year period has been raised in the press, specifically directed at funding means to give Israel the security which it currently enjoys from being present on the Golan Heights. The dollar costs are important, but I would like to focus less on the amounts than on what will be needed to make an agreement successful.

First, Israel needs the assurance of early warning. It needs to be warned about potential missile attacks—or other use of weapons of mass destruction—so it can deter or intercept such attacks. It needs to be warned of potential ground attacks so it has time to mobilize its ground defenses. Without the assurance of early warning, the Israeli people will not feel secure. To emphasize, Israel is a real democracy. They do not have a dictator making the decision. The people have to feel secure in order for a peace agreement to work. Without real security, the Israeli people, quite rightly, will not support any peace agreement.

In my view, monitoring from the high ground overlooking the Golan Heights is essential to achieving any agreement and to maintaining Israel's security. A largely automated equipment set should suffice, but if personnel are required on site, I think American contractors, not soldiers, can and should do the job. Operating on an isolated mountainside, they would be in more danger than are our peacekeepers in the Sinai Multilateral Force of Observers. This is an appropriate task for us.

Another potential cost, and one that is rarely mentioned, is economic assistance to Syria. The poverty and lack of economic dynamism in Syria is the fault of the Syrian regime, whose mania for control has largely smothered the entrepreneurial instinct of Syria's talented people. And, unsurprisingly in a regime which has ruled unchallenged for 30 years, there is corruption. But if Syria will agree to a timetable of economic opening and a transition to democracy, U.S. economic aid for Syria would be appropriate. Syrians need to see a peace dividend. Given the business skills and ambition of Syrians, I expect a free-market, democratic Syria to move up quickly in global economic standings and to be a partner with Israel in trade as well as in security arrangements.

Lebanon poses perhaps the biggest challenge to a comprehensive peace. If Lebanon is to play a positive role in the peace process, and if Lebanon is to become independent of Syrian domination, many Lebanese are going to have to act with both courage and generosity. As Israel withdraws from southern Lebanon, Lebanese leaders should send their own rebuilt and united army to the south to disarm Hezbollah and the South Lebanese Army and to prevent future attacks on Israel. Lebanon should do this even if Syria objects. It is Lebanon's duty to be sovereign in all its territory, and to prevent attacks on other countries that emanate from Lebanese territory. I am sympathetic to all Lebanon has undergone over the past 25 years, but I am describing only the minimal duties of an independent state.

Occupying the south will take courage. Two other big problems—the future of the South Army and the future of Palestinian refugees in Lebanon—will require generosity. The Lebanese Army should integrate the SLA fighters into its own ranks and make them welcome. It should similarly integrate those Hezbollah combatants who request it. Regarding the Palestinians, some of whom have resided in camps in Lebanon since 1948, Lebanon should likewise be generous. Those Palestinians who request it should be accorded citizenship and Lebanon should make a special effort to integrate them fully into its national life. It seems presumptuous of me to advise a country which fought a long civil war over just such issues to now take bold action to integrate its marginalized groups. But if Lebanon fails to do so it will be neither peaceful nor independent, and its weakness will lessen the chances of peace in the region.

Let us suppose that this extraordinary long shot works, that all three balls go in their respective holes, and that Israel, Syria, and Lebanon, with American help, make a real peace. There will still be dangers emanating from the Middle East. The weapons of mass destruction now in the arsenals of Iran and Iraq, and the weapons those two states are still developing, present a lethal danger. The Iranian regime seems more rational and more amendable to democratic change than does Saddam's regime in Baghdad, but there won't be true security in the region until Iran and Iraq are free-market democracies and are fully integrated into the family of nations.

Furthermore, looming overall these security challenges is the biggest problem of the Middle East: The lack of water. Water is not a respecter of political boundaries; water shortages can only be solved on a regional basis, and if they are not solved diplomatically these shortages will be a longstanding source of military conflict.

Despite all of these challenges, it is still worthwhile for us to maintain our patience for peace. The peace we are helping build today will have enormous benefits. Perhaps the greatest benefit is that the burden of fear which overhangs the whole region will be lifted. I am thinking of the fear of a mother whose son has been drafted, the fear of a child in a bomb shelter, the fear that large crowds at a market or sports event might attract a terrorist bomb, the fear with which a family fits and adjust their gas masks, the fear of war that keeps investors away, the fear of the unknown alien race that lives in very similar circumstances just 30 miles away.

As many of my colleagues know, the people who deal with these fears are wonderful people. They are our friends, our actual relatives in many cases. For many of us they are our spiritual cousins as well, they are at home in a region many of us call holy, and they have lived with fear for too long. That is why one of our Government's noblest efforts right now is the effort to help the pragmatism, good sense, and good will of the region's leaders bring peace to the Middle East.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Is it my understanding, under the order, we are to be in morning business until 12:30; is that correct?

The PRESIDING OFFICER. That is correct.

THE BUDGET

Mr. DURBIN. Mr. President, I come to the floor this afternoon to address an issue which is paramount now at this moment in time in this congressional session. Each year, we have certain things we have to do before we can go home. The first of those things is to pass a budget resolution.

The President comes to Capitol Hill in January. He gives his State of the Union Address and suggests a legislative agenda, as Presidents have done, I believe, since President Woodrow Wilson. Then, shortly after that speech, the President's wishes are translated into a budget proposal submitted by the President to Congress.

Of course, we have coequal branches of Government. We are very proud of our responsibility. We look at the President's budget as an indicator of where the country might be headed. Then we add our own priorities. We decide, if we agree with the President, that we will go forward with some of his spending plans. If we disagree, we come up with our own proposal. That proposal is known as the budget resolution. It is a resolution passed by the House, passed by the Senate, one we hope we can agree on, but it isn't signed by the President. It is really the Congress' view of how we should spend the money the people of America give us to supervise and maintain.

The budget process is one where Congress has the burden on its shoulders. The President has met his responsibility. Now it is our turn. We usually try to make certain that before April 1 that budget resolution will be enacted so that then we can get to work on the Appropriations Committees.

The budget resolution is like a blueprint. The Appropriations Committees take 13 different appropriations and spell out, in fine detail, what the budget resolution has instructed them to do.

There are large-scheme things we consider and smaller things, as well. On the larger scheme, we want to continue to bring down the deficit that we have faced in this country for so long, and the national debt which we have accumulated. On a smaller scheme basis—certainly not small in terms of importance, but in spending, we consider everything from the Federal prison system, education, the defense of the country, foreign aid—you name it—each of the appropriations bills takes that into account. The first step is the budget resolution.

I am a member of the Budget Committee. I kind of jokingly say that I served a 6-year sentence on the House Budget Committee, and now I am back in the role of the Senate's Budget Committee serving my time as well. It is not as tough an assignment as that might lead one to believe. We have a wonderful chairman in Senator PETE DOMENICI of New Mexico; we have a great minority spokesman in FRANK LAUTENBERG of New Jersey. But we do have differences of opinion.

It appears this Presidential election year has made the budget process more difficult than ever. I think the majority party, the Republican Party, has a tough job on their hands. They now have a candidate for President, Governor George W. Bush, who has said his vision of America involves a substantial tax cut that goes primarily to the wealthiest people in America. Virtually every Republican Senator and Member of the House has closed ranks and said he or she supports Governor Bush, and that is the cornerstone of the Bush campaign, this large tax cut for upper-income Americans.

It has become difficult to convert the Republican Presidential primary rhetoric into budget realities; in other words, to take the promises from the campaign stump by Governor Bush of a massive tax cut and turn it into a budget reality on Capitol Hill. I think that is why our budget process this week broke down. The Republicans canceled today's hearing to discuss the budget resolution. I am afraid the Republican majority can't quite get it together.

I think they ought to think twice. I hope they do not include in their budget resolution Governor Bush's tax cut because, frankly, it is a tax cut America cannot afford. It is one thing for us to say it is only some $223 billion. In fact, it is much more over a 5-year period of time. If Leonardo DiCaprio and others will forgive me, we think the U.S. economy is doing very well, sailing along. In this Republican tax scheme, we see $223 billion up here that might be its cost over the first 5 years, but take a look at this iceberg below, which could sink this ship, the U.S. economy. Once you have played out the cost of the Bush tax scheme, it approximates $2 trillion; $2 trillion in an economy that seems to be doing quite well as is.

Take a look last year at what was proposed by the Republicans as part of their tax relief. Over 5 years, it was $156 billion. Then as it grew over 10 years, it went to $792 billion. In this year's debate, the Congressional Republican budget plan is over $200 billion in the first 5 years, and over 10 years, it just mushrooms and explodes in size.

One might say: Well, frankly, I would like to have a tax cut. Wouldn't everybody, an individual, a family, a business? Of course. But we have to ask a harder question. Would we risk endangering the current economic growth in this country in order to pass a large and expanding tax cut that goes primarily to wealthy people? Would we be in favor of such a tax cut plan as opposed to paying down the national debt, a debt which, frankly, we have to raise tax money for every single day to pay interest? Wouldn't it be better—incidentally, Federal Reserve Board Chairman Alan Greenspan thinks so and I agree with him—to reduce the national debt as opposed to giving tax breaks to wealthy people?

As that debt comes down, we are saying to our children: Here is an America that is strong, a great democracy, a leader in the world, a nation unencumbered by debt that has been accumulated over the last several decades.

President Clinton's plan suggests that our first priority should be bringing down America's national debt before we start talking about massive, risky tax schemes. I think the President is correct because in bringing down that national debt, we invest money in Social Security, meaning that it is stronger longer, and we invest money into Medicare, the health insurance plan for the elderly and disabled in America, a plan which needs our assistance. That, I think, is the responsible course.

As I have gone across my State of Illinois and met not just with my friends on the Democratic side but independent voters and Republican businessmen and businesswomen, they agree. The most conservative, the most disciplined approach is not a massive tax cut but rather bringing down America's national debt so that our children are not burdened with paying interest on that. That is why my friends on the Budget Committee on the Republican side are really having a tough time of it. They are trying to sell something to America it is not buying. This Governor George W. Bush tax cut is one that, frankly, could jeopardize our economic growth, could take money away from reducing our national debt. I think the American people understand that is just not a good thing to do.

The President's proposal is to focus on bringing down that debt—in fact, at three or four times the rate of what has been proposed by the House Republican Budget Committee—and at the same time, the President says, with the surplus, without raiding Social Security, but with the surplus, let's try to deal with some of the priorities of our Nation.

Take a look at our priorities: Save Social Security first; paying down the debt; protecting Medicare. Here is one I found across Illinois that is extremely important to people—providing a prescription drug benefit for elderly people. Medicare doesn't include it. A third of the seniors do quite well and have coverage. Another third have some coverage. But a third have none at all.

I have met these people. These are men and women who have prescription drug bills of $200 a month and more, living on fixed incomes. Many of us believe Medicare should include a prescription drug benefit and some of the surplus should be dedicated for that. Sadly, some of the proposals coming from the Republican side provide not a penny for a prescription drug benefit.

Then, from the same surplus, invest in education. I think we all agree and understand America is strong because we have a good educational system and a well-trained and well-educated workforce that can compete in the world in the 21st century. We want to be able to say this, too, can be an American century, and it means investing in education.

What will we put the money into? Well, certainly to upgrade the skills of teachers so they can teach the latest in terms of science and math and the best approaches to learning; in addition, modernizing our schools, and making sure they are safe. We can bring computer technology to our schools for every kid in America. We talk about afterschool programs so kids don't have those idle hours without supervision. They have a chance to stay

after school, under supervision, to be tutored if they are falling behind, enrichment courses if they are good students, counseling if they are troubled. Those things are all helpful and move us in the right direction.

President Clinton has suggested that we should reduce class sizes so that in the lower grades, when kids need more attention, we will have fewer kids in the classroom. I think that makes sense. I support the President on that. Those are investments in education with which most American families would agree.

Then we think we can still have some money left for targeted tax cuts, not for the wealthiest people in the country but for working families.

To give some examples, wouldn't it be great in America if working families, in sending their sons and daughters to college, could fully deduct their college education expenses? I think it would. I meet too many families and young people who graduate from college with massive debt. Sparing these young people and their parents this debt is a very worthy goal, indeed. I think the President's proposal of a tax cut for the deductibility of college education expenses is a good one.

Let me share another example. The largest and fastest growing group in America's population are people over the age of 85. People are living longer. As our parents and grandparents live longer, they run into problems. Sometimes they need long-term care, and that can be expensive. Many people don't have insurance to cover it. The President wants to give a targeted tax cut for working families to pay for this long-term care for that parent or grandparent we love, that is the kind of targeted tax cut that makes sense. It doesn't jeopardize our economic growth. It says let's help the families who are really struggling to get by.

When we take a look at the tax cut that comes from the Republican side of the aisle, we can see that because it is so large, because it explodes in the outyears, it is going to raid the Social Security trust fund. Take a look at this. Congressional Republican plans really could include a Bush tax cut that would raid Social Security to the tune of over $372 billion over a 5-year period. I thought that was something we all agreed, not too long ago, that we would not do again. We would protect the Social Security trust fund. Yet this Bush tax cut plan endangers that trust fund—another reason I am sure the Republican-controlled Budget Committee is having a tough time getting started.

Take a look at the tax cut. I have said it helps the wealthiest of Americans. Let's show this chart which proves it. When you take a look at the George W. Bush tax cut plan and the people who benefit from it, if you happen to have an income over $300,000 a year—and you don't have to hold up your hand—you are going to see a tax cut of $50,000 a year under Governor Bush's tax cut plan.

If you are a family with an income below $39,000 a year, it comes out to $249. That is about $20 a month. That is the Bush tax cut plan—$249 for working families and $50,000 for the folks who are making over $300,000 a year.

So the Republican Presidential candidate would have us jeopardize our economic growth, and would reach into the Social Security trust fund to create a tax cut for the wealthiest people in America of $50,000 a year.

I have to tell you, quite honestly, if you are making $300,000 a year, I am sure you can figure out what to do with another $50,000; but you are probably pretty well off. If you have invested in the stock market during the Clinton-Gore administration, you have probably done pretty well with your investments. I can't understand why George W. Bush is focusing his tax cut on the wealthiest people in America.

Look at the prescription drug benefit plan. We understand what it will cost. We understand under the House Republican budget what they think it will cost for us to have a prescription drug benefit plan. The problem is, in the House Republican budget no money is available for that. Once you have dedicated yourself to the George W. Bush tax cut, you lose the resources to provide for prescription drug benefits for the elderly people in America.

For a moment, let me go back to education because I think this is worth repeating. What we are talking about under the President's plan is investing money in education. It is no surprise to me that everybody asked in national polls about the top issue facing Government will answer that it is education. That is the No. 1 area that should be funded and the No. 1 area we should pay attention to in Washington and in the State capitals. Now we are talking about making good on the promise to America that we elected officials will help out with education.

Look at the President's plan: increasing education funding by 12 percent; making certain we prepare young children for school by expanding the Head Start Program, one of my favorites; reducing class size and training teachers.

As I go around in my State, I find this is something teachers want to have—help and assistance to make sure they understand the technology, which changes almost on a weekly basis. Building up-to-date schools or modernizing them is part of the President's investment for education plan; money invested in education technology so there is no digital divide, so whether you are in a poor district, wealthy district, rural or urban, you will have the same access to technology. Kids coming out of the classroom will be part of our national workforce and they should all have the needed skills. Other priorities: helping the disabled, promoting afterschool learning, and improving college access and affordability by improving Pell grants, which help lower-income students complete their education, as well as the deductibility of college education expenses.

Let me say that the targeted tax cuts proposed by the Clinton-Gore Administration and the Democrats, as I mentioned before, include helping families care for elderly parents; targeting the surplus so it goes to expanding educational opportunities; providing marriage penalty relief, which both parties support; helping people prepare for retirement with new basic pension plans; and expanding the earned-income tax credit, a benefit we give to a lot of working families who otherwise might not be able to succeed. We want them to succeed.

The basic question we have to ask and answer during this budget debate is whether America is headed in the right direction. You would expect me, on the Democratic side and being proud of the record of the last 7 years in terms of where our economy has come, to say, yes, I think America is moving in the right direction. But as we ask American families across the Nation, they agree; they know the Dow Jones Average, which we follow now on a regular basis, has risen from some 3,000 to over 10,000 in the last 7 years. They understand, as well, that we have been able to see more businesses created across America, particularly businesses owned by women. More people are building and owning homes than ever in the United States. Inflation is under control. We see reductions in unemployment, reductions in the welfare rolls. We have the smallest welfare rolls in America in 30 years and the lowest overall crime rate in 25 years. There are 20.4 million new jobs under this administration.

Frankly, we are enjoying the first back-to-back budget surpluses in 43 years. Not long ago, we were debating on the floor of the Senate about amending the Constitution, a balanced budget amendment, so Federal courts could force Congress to stop spending into red ink and deficits. Now we are talking about what to do with the surplus. Seven years ago, in the era of spiralling budget deficits, who in the world would have believed we would be talking about budget surpluses today? Amazing. And this has all occurred under the watch of the Clinton-Gore administration. Most of us believe our country is moving in the right direction and we should not launch some untried, unproven, new approach that may jeopardize that economy.

I think the proposal by Gov. George W. Bush for massive, risky tax cuts for wealthy people does just that. You expect to hear that from a Democrat. But go to somebody who might be dispassionate in this debate, Federal Reserve Board Chairman Alan Greenspan. He has basically said it is the wrong thing to do to give a massive tax cut. You could jeopardize this economic growth. We don't want to see that happen.

Is America perfect? No. We don't like the cost of gasoline and heating oil today. We know we can do better in

education. We know we can help families pay for some of their basic expenses, take care of their parents and grandparents. So we continue to look for ways to provide that assistance to families. But we do believe we have made great progress over the last 7 years.

Now, the Budget Committee in the Senate has to try to calculate a way to put together a budget resolution, and they are in a dilemma. Are they going to stand by their Presidential candidate, George W. Bush, and support a tax cut that risks the economic progress we have made? Or will they turn their backs on their candidate and say, no, let's keep going on the right course and keep America moving forward?

I understand why they postponed this week's hearing, and I hope they can resolve it in their own caucus. Let's bring this issue to the floor and let every Member of the Senate vote on the George W. Bush massive, risky tax cut scheme. If they want to go on record supporting it, so be it, then they stand by their candidate. But they can step back and explain how we are going to pay for it and why people making over $300,000 a year need a $50,000 tax cut. I don't think they will.

I think this country is moving in the right direction. I certainly hope Members of the Senate and the House, perhaps even on a bipartisan basis, will say that continuing this economic progress in America is more important than a ringing endorsement for any Presidential candidate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent to be able to speak for 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. LAUTENBERG. Mr. President, we are on the eve of establishing a budget priority for the budget year 2000, the one that begins in October and to next September.

I am the senior Democrat on the Budget Committee. I would like to establish some parameters about the budget as I see it because we are waiting patiently for the majority to produce a budget resolution, which is a responsibility of the Budget Committee. That is supposed to be done by April 1 of this year. Other than meeting that deadline, the alternative would be for the majority leader to present a budget as he sees it.

The question arises: Why is it, when the target as proposed by the chairman of the Budget Committee is for a budget resolution to be here by March 1—and today is considerably past March 1—we are still waiting?

I was advised yesterday as the senior Democrat on the Budget Committee that we could expect to have a markup yesterday or today. That was called off at a rather late moment last night. We are sitting here, I will not say breathless but certainly curious, about what it is that prevents us from getting a budget.

I have to do my own interpretation because I have not been given any explanation. I know there are competent staff people working to get the budget finished. We have them on both sides—on the Republican as well as on the Democrat side. Why isn't it finished?

Let me tell you why I think it is not and why we on this side of the aisle think it isn't being done. It is because they can't get an agreement between the members of the committee. The tax cut package of George W. Bush, candidate for President of the United States, is something that seems to me would break the back of this economy. It would destroy all the rosy plans for paying down the debt, for making sure we rid ourselves of this obligation, this mortgage that we have all over our country. There isn't a family around who wouldn't look forward to the day when the mortgage on their home or the debt that they have could be retired.

When we talk about a nice, healthy tax cut, or juicy tax cut for the wealthiest in the country, it doesn't ring a good bell even within the party of George W. Bush, the Republican Party.

I know the chairman of the Budget Committee has had his hands full. He is my friend as well as a colleague. He doesn't confide in me. We keep our party business and our intentions separate. We discuss them in the open. This is less than a bad joke. It is a travesty. It worries people.

We are enjoying a boom the likes of which has never been seen in this country or anyplace in the world. The economy is perking along—almost boiling along. This is a wonderful opportunity to make needed adjustments within our structure. We can help families, particularly the middle-class families, people who need a little bit of tax relief here and there to help accomplish specific purposes. We can keep this commitment, which we consider sacrosanct, sacred, to save Social Security first.

We want to take the surpluses which are generated by the robust economy and use them to extend the solvency of Social Security. At the same time, we want to pay down the debt. It has been the President's objective to try to rid taxpayers of the public debt, that debt which is owed outside of Government, within about 15 years—bring it down to zero. What a difference it would make in our economy. We would be able to see people borrowing money without having to compete with the needs of the American Government, companies able to borrow without having to compete with the Government for capital. It would be an excellent objective if we could get there.

Protect Medicare, provide prescription drugs, extend the life of Medicare some 12–15 years, that is what the Democrats want to do.

We want to invest in education. I speak about education with a degree of knowledge because I came from a working-class family in New Jersey. My father worked in the textile factories in Paterson, NJ. My mother waited on tables. They struggled to make a living during those very lean years we were going through. We couldn't afford a college education for me even though it was apparent I had the ability. College came later on. I enlisted in the Army and was a beneficiary of the GI bill of rights. What a bill of rights it was for me. I was able to go to Columbia University. I never would have been able to afford that otherwise. The Government said: FRANK LAUTENBERG, you have served your country in Europe during World War II at the height of the war.

I came back and was able to get an education that helped me, with two very good friends, start a business in the computing field. It was a long time ago. We were pioneers. That company that I helped start employs in the area of over 30,000 people today. I am listed as a member of the Information Processing Hall of Fame. It is in Dallas, TX. Then I was able to run for the Senate. I am now in my third and last term. It has made such a huge difference. I made a contribution to this society that has been so good to me between establishing a business, an industry, employing people, and now being in this great body.

It means a lot when we talk about investing in education. We can say to young people across America: Even if you don't have the money, if you have the ability to learn, we will help you achieve your objectives—make an opportunity for yourself, lift yourself into a better lifestyle or better life pattern than your parents, who so often struggle so hard.

Cutting taxes for working families to achieve those objectives, that is the Democratic budget agenda.

We talk about targeted tax cuts for families; help families care for an elderly parent with a $3,000 long-term care tax credit; Expand educational opportunities; Provide marriage penalty relief; Help people prepare for retirement; Expand the earned-income tax credit for those who often need it desperately. That is our mission.

Instead, we are presented with something that hardly resembles that mission. We show this in graphic form by presenting this picture: a ship at sea facing the tip of an iceberg. The iceberg is the Republican tax proposal,

one that says you can spend more than you have and not admit that if you want to keep on living, you may have to borrow money.

From where is that borrowing going to come? It will come from Social Security—that trust fund we hear everybody on each side, who would say under oath, ''I want to make sure Social Security is there for those who work and pay the taxes.'' They want to know when the time comes for retirement they will have something to look forward to.

Instead, what we have seen from the House Republican budget presentation that was sent over to the Senate is that we will have a surplus, non-Social Security surplus, in our financial account, our balance sheet, of $171 billion. However, the tax cut proposal we have seen is $223 billion. One doesn't have to be a mathematician to know if one takes $223 billion away from $171 billion, one has to go elsewhere to pay the bills.

We made this very sacred promise, this commitment to the senior citizens of this country. I am one of those senior citizens; I like it. It is not bad.

The fact is, we made a promise, almost on bended knee, that we absolutely will not touch, to paraphrase, a hair on yon gray heads for retirement opportunities. But the proposal we are looking at is one that says we will spend $50 billion more on tax cuts than we have in our non-Social Security surplus.

That is not very good arithmetic. One does not have to be a mathematician, accountant, or economist to see that puts America deeper into a hole that we will have to dig our way out. Just take it from the Social Security, after we so diligently studied and agree that it is the most sacred obligation this country has.

Where do we go from there? This graph ought to be presented differently. It shows a tip of the iceberg. The whole iceberg ought to be lifted up because this is a crash we can see coming. If this program stays in place, the economy is going to run into a full-sized iceberg with an enormous negative economic impact.

We are not going to be able to protect Social Security. We are not going to be able to pay down the debt. We will not be able to take care of obligations we have to veterans in education and health care. We cannot do that if we go ahead as planned.

We need to pay down our obligations. We need to give some targeted tax relief, to take care of the commitments we have. But, no, we cannot do it because we are not going to have any money left with which to do it unless we borrow once again from Social Security. We have been through that. We had years and years of borrowing from Social Security to make up for the lack of revenue coming from the non-Social Security side of the ledger.

Finally, we are at a place in time where, with President Clinton's leadership and with the work of people on both sides of the aisle working on a balanced budget, we have developed a surplus and now we are ready to start taking care of the financial structure of the country in a way so that we know we will be able to assure people Medicare will be there for them, that prescription drug costs, which is such a problem for so many elderly, will be taken care of in some form.

But we are not going to be able to do it if we put in place this tax scheme—and certainly, if not this one, Presidential aspirant George W. Bush's tax plan, which is more than twice, almost three times, the size of the one that has been proposed in the House budget.

So the question for the American public is, Why is it that a Republican majority, a significant majority, cannot get an agreement out that says: This is where we stand. Let the public judge the value of it. Let Democrats, let people outside, make judgments about the truth in the presentation.

We have all kinds of smoke and mirrors that disguise what we are going to try to do here. But we know in the final analysis we are going to be borrowing money from the Social Security trust fund. So let's get it out here. Let's let the public see what it is that is going on behind closed doors, because that is not the way we can operate anymore. We cannot operate with significant proposals and not permit the public to scrutinize what it is we are doing.

We have to get to the job. We are way past the deadline we thought we would be through. I am not happy about the prospect that a budget resolution will be dropped on the floor without having had the benefit of a committee discussion, some debate, some analysis in the public eye before we go ahead and start voting on it.

With that, I conclude by saying I and I know other members of the committee—Democratic members of the committee and I am sure many of the Republican Members of the Budget Committee—are anxious to get out the budget. If the leadership will accommodate us in the obligation we have to the public to present it, we will have a chance to talk about something other than what is whispered about through the halls here.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 2269 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

BANKRUPTCY REFORM

Mr. LOTT. Mr. President, I will propound a unanimous consent request. I have notified the Democratic leader that I intended to do that. I see there are Senators on the floor who will probably have some comments to make. But before I propound that request, let me outline what I would like to do and what has transpired.

Senators will recall that last year there was a major effort made to pass through the Senate bankruptcy reform legislation. That has been a bipartisan effort. The Judiciary Committee has done excellent work. Chairman HATCH has been cooperative. Senator GRASSLEY has been magnificent in working with both sides of the aisle. Democratic Senators had input.

After some starts and stops, we made real progress, but it did get held up at the end of the session. We did not get it completed.

When we came back in at the beginning of the year, we decided the best thing to do was to move forward and have some votes on amendments that were controversial on both sides, but we faced those votes. We got our work done, and we passed bankruptcy reform—basically, a good bill. The House also has acted in this area.

We need to go forward and get bankruptcy reform legislation into conference and completed so we can improve this area in the law, so the law will be clearer for all those interested, and so we can send it to the President for his signature.

In the process of the debate, and the amendments on this legislation, amendments were offered with regard to the minimum wage. In fact, a minimum wage increase was passed and attached to the bankruptcy reform legislation. Senator KENNEDY offered the first amendment. That was defeated. Then an alternative amendment was offered by Senator DOMENICI and others, and it did include small business tax relief to offset the impact of a minimum wage increase. That was adopted. It became a part of the bill.

The problem in going forward is, because of the minimum wage and tax provisions that were attached to the bill, it could be subject to, and would be subject to, the so-called blue slip rules in the House. It could be objected to, in effect, because it has the minimum wage and the revenue measures as a part of it.

So we had not gone forward to try to send this to the House because of the potential blue slip problem and also to wait to see if the House was going to go forward and act on minimum wage and the tax relief package. In fact, a couple weeks ago, I believe it was, they did do that. Now it is time we go to conference.

What I propose to do, even though I will do it in the Senate rules parlance—what it really says is split the two; send the Senate-passed bankruptcy bill to conference with the House-passed bill, have a conference,

and they act on it, and then to separate out the minimum wage and the tax provisions and send them to conference with the House on minimum wage and the tax provisions.

I think that is the way to do all three of the issues. It is a fair way to proceed. It is a simple way to proceed. It gets rid of the blue slip problem, and then we can count on the conference to act on both bankruptcy and the minimum wage increase and the small business tax provisions.

I just wanted to explain what was involved before I ask for unanimous consent. But I am prepared to do that.

I ask Senator DASCHLE, do you want to comment before I propound that request or would the Senator like to do it after I do the request?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's effort to try to move this legislation along. This bill, the bankruptcy bill, passed the Senate with more than 80 votes. Whether or not we get unanimous consent is not relevant. What is relevant is that we get these two pieces of legislation successfully completed in a timely manner. If we are not able to get unanimous consent, I intend to support finding a way to assure that we do go to conference both on the bankruptcy bill and the minimum wage.

I am hopeful we can instruct the conferees with regard to minimum wage. It would be my hope, at least, that the Senate could express itself in regard to the issue on minimum wage prior to the time we go to conference. But if we could accommodate that request, that we have at least an opportunity to express ourselves on the conference itself, then I would certainly be supportive of moving on a motion to proceed to two conferences—one on bankruptcy and one on minimum wage.

The distinguished Senator from Vermont, and others, Senator TORRICELLI, Senator DURBIN, and others, have done an extraordinary job in getting us to this point.

We have a much better bill, a stronger bill, in the Senate on bankruptcy than we do in the House. I hope we can take what we have been able to accomplish in the Senate and bring our House colleagues to the realization that that is the kind of legislation that will be signed into law.

On the minimum wage, the House version, at least in terms of the 2-year approach, is the one the President said he will support. It enjoys strong support in the Senate as well. We are concerned about the size and magnitude of the tax provisions. If we could target those, we would be in good shape on that as well.

I understand the majority leader's interest in moving this. We want to be supportive in that regard; most of us do. I am hopeful we can accomplish it through a unanimous consent request.

Mr. LEAHY. Will the distinguished Senator yield?

Mr. LOTT. I am glad to yield to Senator LEAHY.

Mr. LEAHY. I agree with what the distinguished Democratic leader said. I would like to see us move forward. The bill we put together passed 83–14. The distinguished leader is right; it was in excess of 80 votes. There was a tremendous amount of work on both sides of the aisle. Senator HATCH, Senator GRASSLEY, Senator TORRICELLI, and I were the four floor leaders on this, working with others—Senator REID, Senator DASCHLE—to get people to take away hundreds of amendments. We got rid of those, and we got down to several on which we voted and passed in a good package. I would advise the two leaders, I have been working with Senator TORRICELLI, Senator HATCH, Senator GRASSLEY, and Senator SESSIONS to try to whittle it down even further, but to have a packet, one that could be acceptable on both sides of the aisle and also could get signed down at the other end of Pennsylvania Avenue.

Mr. LOTT. If the Senator will yield on that point.

Mr. LEAHY. Yes.

Mr. LOTT. I have been keeping in touch with the informal discussions that have been going forward.

Mr. LEAHY. I know the majority leader has.

Mr. LOTT. I have the impression that the Senate potential conferees, Democrat and Republican, have come up with a good proposal and are ready to go forward with serious negotiations that I hope could be completed relatively quickly.

Mr. LEAHY. I hope we will find a way to go through this. I realize we have issues of the minimum wage and others. We ought to vote them up, vote them down, whatever is necessary. I advise both leaders, I think we have put together a good, bipartisan, compromise package that could be the basis of final conference action and, if it were, would be signed by the White House.

Mr. LOTT. Mr. President, if I may just comment one second more before I propound the UC request, with regard to Senator DASCHLE's comments, we do have a good, strong, bipartisan bankruptcy bill that we have passed. We also did have a debate and discussion on the minimum wage issue and the tax provisions. I didn't choose the debate and the amendments to occur on this bill, but I knew it was going to come up and it should come up at some point. So it was offered to the bankruptcy bill. We had a good debate. We had a vote.

The interesting thing about the minimum wage, I think the parameters are pretty clear. We have the Senate-passed version, the $1 increase over 3 years, and the House version, that increase over a shorter period of time, only maybe a year or so. Then in the Senate provision, we have some small business tax offsets, a relatively small package. The House has a bigger package on the tax offsets. I think the parameters of the discussion on minimum wage are all represented in the two bills that have been passed. We can get conferees from the appropriate committees, and they can look at the minimum wage increase, and over what period of time, and the small business tax offsets or other tax provisions, and have a good conference and be able to get a result. I hope we can do that without delay.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 3081, the House minimum wage bill now at the desk, and that one amendment be agreed to, which is the text of the previously passed Domenici amendment No. 2547 now in the form of a substitute relative to the minimum wage, the bill then be advanced to third reading and passed, and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that with respect to the bankruptcy bill, the Secretary of the Senate be directed to instruct the enrolling clerk to strike the Domenici amendment language just described above, all other parameters of the previous agreement be in order, and the Chair be authorized to appoint conferees.

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. Is there objection?

Objection is heard.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, objection was heard. If Senator KENNEDY would like to be recognized, I am glad to yield to him.

Mr. KENNEDY. I thank the majority leader.

Mr. President, I think Senator DASCHLE outlined what was a reasonable way of proceeding. I am under the impression that perhaps the majority leader has not had an opportunity to get into the kind of detail the Democratic leader talked about.

Although I still need persuasion on the bankruptcy bill, I know what the will of the Senate is on that issue. On the issue of the minimum wage, there wouldn't have been a blue slip on just the increase on the minimum wage. The blue slip was on the approximately $73 billion in tax breaks that were added to the minimum wage.

The point our leader was attempting to work out was consistent with what the majority leader has outlined, and that is that at least there would be a way in which the Senate would be able to address the minimum wage. Some colleagues may object to that process, but I would not.

As I understood Senator DASCHLE's proposal and the majority leader, by

substituting the Domenici bill for the House bill, there are 3 years. That would go to conference. What he was asking for was not really any unusual procedure, just asking that we follow the Senate rules that would permit a motion to instruct the conferees that, instead of being 3 years, it would be 2 years. Given the fact it has been 6 months since the Senate acted on the minimum wage and given the overwhelming support for 2 years, which was bipartisan in the House, there might be support for that. I believe there would be, if we had that opportunity to do so.

I hope the leader will consider what Senator DASCHLE proposed because it addresses the concerns of the leader and does it in a way in which, at least for those who are the most concerned about the 11 million Americans who have not had a pay increase while we in the Senate have enjoyed a $4,600 pay increase in 1 year, they would have some degree of protection.

Others have objected, and I join those and object with the hope that perhaps the leaders can get together and find value in what Senator DASCHLE offered as being a way to achieve the objectives of the majority leader and the Senate and still protect the interests of the minimum-wage workers in this country.

Mr. LOTT. Mr. President, if I may respond to that, I want to make sure we have an opportunity to consider those small business men and women who create the bulk of the entry-level jobs in America, to make sure they do not wind up having to go out of business or, even worse, they don't hire the entry-level people who do deserve a basic minimum wage.

What I have been trying to do is to find the quickest and cleanest way, which is also not out of the ordinary, to separate these bills and go on to conference and get a result that would be the best way to help all concerned, both those who will be negatively impacted if we don't go forward with bankruptcy reform and those who are looking for a minimum wage increase, and those small business men and women who provide so many jobs in America.

I understand if we don't do it this way, there is the further complicating factor that the bankruptcy bill will have to basically be started over again. We will have to have a new bill filed, and it will be subject to amendment. There will be a very large amount of time and difficulty in having to do that all over again. The procedure that was suggested, I believe, is amendable and debatable.

We have had this debate. The question now is, Do we want to go on and go to conference based on the votes already taken in the Senate and in the House so that could get a result? That is why I asked consent to proceed in the way that I did. But we can talk about it further. I would like to, for instance, make sure I understand correctly what is being asked for with regard to the bankruptcy reform bill because I certainly hope that we would not have to completely rework that and have that subject to amendment. We spent 2 or 3 weeks on that bill. So what we are doing here, we are talking Washingtonese, in effect. We are talking about rules and procedures and how to do or not to do. I would like to find a way to move all three of these issues, actually, quickly to conference and see if we can get a result.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the interest of the majority leader in moving this legislation along. I recall how long it was that we had to wait even to go to conference because of amendments that were outstanding. If I recall, we had to wait months, really, to accommodate, in fact, in this case, the majority; they wanted to offer some specific amendments that they were not interested in voting on until we got back from the first session of the Congress. So this has been languishing for a long time in large measure because some on the majority side were not interested in expediting consideration of this legislation. We clamored for conference last year and were unsuccessful in getting the conferees appointed last year. Now the majority leader, understandably, is frustrated and concerned for the lack of progress. That is understandable. There should not be any question that the overwhelming majority of the Senate wants to move to finish this legislation as soon as possible. It is what we clamored for last year, and it is what we have been trying to get this year.

I hope there will be some degree of cooperation and communication with regard to how we proceed. I look forward to talking more comprehensively about my suggestion. It seems to me that going to the conference with the bankruptcy bill, as he has proposed, would make sense. Going to the conference on minimum wage would make sense if we had the opportunity, once again, to express ourselves on it, since we haven't been able to do that independent of the bankruptcy debate. If we are going to have a separate minimum wage conference, there ought to be a separate consideration, at least on the motion to instruct conferees. We could agree that it would not be amendable, that it would be expedited and not delayed, but simply a vote would make a lot of sense, it seems to me. I am prepared to talk with the majority leader at greater length. We all recall how long it took to even get the bill completed, and that was in large measure because we weren't able to complete it as a result of concerns expressed by the majority.

We have now completed it. We now want to move on to the second phase of it. I want to work with the majority leader to see that it happens.

Mr. LOTT. Mr. President, I will inquire of Senator DASCHLE. Do I understand correctly that there is some thinking that we would have to start over on the bankruptcy bill—or did that come as a surprise to the Democratic leader? I had not had a chance to discuss that point with him—and that it be subject to amendment and everything all over again? Has the Democratic leader had a chance to look into that aspect of what we are trying to do?

Mr. DASCHLE. Mr. President, I am not aware of any effort on the part of Senators on this side to renew debate and start all over. As I said, I am more than willing and prepared to go to conference and to support efforts parliamentarily to ensure we are successful in going to conference.

I understand there are some strong feelings by a very distinct minority of the minority. It is their right, and certainly I respect their right to object. But there are other ways to deal with the issue, and I am prepared to find ways.

Mr. LOTT. I ask the Senator to check into that and see if we can work through that point. I understand there are some Senators on that side of the aisle who do wish to go through that whole process again on bankruptcy. That would be an important part of working out this whole maze of procedural questions.

Did Senator WELLSTONE wish to comment?

Mr. WELLSTONE. Mr. President, I wanted to make sure that I object. I don't know if we have to go through the whole thing. The majority leader said we are talking in Washingtonese. To be clear about it, I think the bill was harsh. It has a disproportionate impact on the poorest citizens, and it takes some off the hook——

Mr. LOTT. The bankruptcy bill?

Mr. WELLSTONE. That is correct. We object to it being separated out. We want to focus on this bill, and we want to have an opportunity to have further discussion and debate on the floor of the Senate. So I object on that basis.

Mr. LOTT. Would Senator FEINGOLD like to speak?

Mr. FEINGOLD. Yes, I want to say a couple of words. I join in the objection. I make no secret of the fact that I oppose each portion of the bill. It is very unbalanced, and there is far too much money behind the bill. I oppose the minimum wage portion because it involves 3 years rather than 2 years. I am especially concerned about the tax piece because it involves some $70 billion-plus that isn't paid for.

The reason I am objecting is because of the way this was put together. It got a high number of the majority by combining these different elements. In effect, the pot was sweetened by adding on the minimum wage and the tax provisions. I think it is inappropriate at this point to sort of bait and switch this. You close up the bill by putting these things together, and when they come back, you can't do anything about it under this procedure; it flies

through. All we are asking, as Senators KENNEDY and WELLSTONE have said, is that we have an opportunity to have the motions to instruct, and the minority leader's plan would provide that. That is the reason for my objection. I thank the Chair and the majority leader for the opportunity to comment.

MEASURE READ THE FIRST TIME—H.R. 3081

Mr. LOTT. Mr. President, I understand that H.R. 3081 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3081) to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I did want to propound a unanimous consent request with regard to how to proceed on the crop insurance legislation, which is the legislation that is next in order for consideration. I understand there have been discussions throughout the day to work out an agreement on that. I wish to make sure Senator DASCHLE has had a chance to personally review it.

After consultation with the Democratic leader, I believe we are very close to getting an agreement. We believe we can work this out and be able to proceed this afternoon. Based on that assurance, I will withhold that request at this time. I would like for us to continue to work and see if we can get it worked out as soon as possible so we can begin to have debate and go forward with amendments. We are thinking in terms of maybe six or so amendments and then final passage. We will work on that more and will return to that shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I will take a moment at this time to review where we are on the question of the increase in the minimum wage. We have been trying to get, over the period of the last 2 years, a vote on a 2-year increase in the minimum wage—50 cents this year and 50 cents next year—for the 1 million Americans who are at the lowest level of the economic ladder.

These men and women are the ones working as aides for schoolteachers in our schools. They are working in nursing homes taking care of millions of our senior citizens in those conditions. These are the people who clean out the buildings at night so American businesses can continue to function effectively over the course of this extraordinary expansion. But as we see this extraordinary expansion in terms of our American economy, the group that has not benefited is the one at the lowest end of the economic ladder. These are men and women playing by the rules and working hard. They have not been able to see the appropriate kind of increases in the minimum wage.

If the minimum wage today were to have the same purchasing power it had in 1968, it would be $7.50 an hour. This whole group of Americans have not only not participated in the expansion of the American economy, they have fallen further and further behind.

That is why we believe we ought to have an opportunity to address this issue on the floor of the Senate, and do it in a timely way.

There are questions about what the Senate is doing and how busy the Senate is. We are prepared to have a very short time limit. Every Member of this body knows what this issue is about. I think every Member of this body has voted effectively on the question of the minimum wage over a period of time. It is a rather simple, basic, and fundamental issue. It is an issue of fairness to millions of Americans. It is an issue involving women because close to 70 percent of all of the minimum-wage workers are women. It is an issue of civil rights because the majority of the workers who get the minimum wage are men and women of color. It is a children's issue because the majority of women who are receiving the minimum wage have children.

This has enormous implications in terms of how these children are going to grow up, what kind of home they are going to be in, and how much time their parents are going to have in terms of spending quality time with these children when they are working one or two, and in some instances three different minimum-wage jobs.

It is ultimately and finally a fairness issue where the overwhelming majority of Americans believe, and believe very strongly, I think, that men and women who work 40 hours a week for 52 weeks a year ought not live in poverty in the United States of America.

That is what this issue is basically all about, and we in the Senate are being denied the opportunity to vote on that issue. That is what is offensive.

This body was prepared to vote on a pay increase of $4,600 to be implemented immediately. They were prepared to go ahead on that. They are not prepared to delay that. But when you talk about a $150 increase in the minimum wage, they want to spread it over 3 years.

This is an issue of fairness. People ought to have accountability. When Members go to the polls, people in their congressional and senatorial districts ought to know how they stand on this issue of fairness. We are being denied that opportunity by a majority in the Senate. That is wrong.

Anyone who believes we are not going to continue after this issue doesn't understand the rules of the Senate. We are going to be voting on a 2-year increase in the minimum wage. We are going to be voting on it soon, and we are going to be voting on it again and again and again. So get used to it because you are going to vote on it. You will be able to go back and say: Oh, yes. I voted one time to increase it for 3 years. Yes; I voted against it 15 times for 2 years. And for all those in small business, I voted for a $73 billion tax break, unpaid for.

The House bill was $123 billion. We don't want to hear from that side of the aisle about fiscal responsibility anymore—$73 billion at the drop of a hat and $123 billion over in the House of Representatives and 90 percent of it goes to the top 5 percent of the American taxpayers. Isn't that interesting?

We are trying to get a 50-cent increase for the lowest paid Americans—tax break; 90 percent of it goes to the highest paid. We are not going to permit Members of the Senate to vote. We have a majority. We are not going to permit a majority of the Senate to vote on whether we are going to have a very simple concept of 50 cents this year—50 cents. No; we are going to take our $4,600 and put it in our pockets and walk out of here. For every single year of that, an increase in the minimum wage is being delayed.

Do you think they are going to forget that? The other side thinks it is going to go away. It isn't going to go away. No matter how many times these little proposals are going to come up in terms of consent agreements, no matter how many times you are going to try to close out opportunities to bring this up, no matter how many times you go through the parliamentary gymnastics on this kind of issue, it is coming back again and again and again. So get used to it because you are going to get it. You are going to vote on it. Americans are going to know who is going to stand for fairness and decency and who is opposed to it and blocked it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I ask unanimous consent to be recognized in recognition of the fact that very shortly we may have an agreement on the crop insurance risk management debate. At the suggestion of the leadership, I would like to initiate debate on the subject, and perhaps we can move along expeditiously in the event we finally have a parliamentary structure in which to work.

AGRICULTURE RISK MANAGEMENT ASSISTANCE

Mr. LUGAR. Mr. President, today we will debate a matter of special significance and timeliness to agriculture producers throughout the United States, and that is the subject of risk management legislation.

During many full committee hearings, a public roundtable and hundreds

of hours of research and public discussion spanning the past year, members of the Senate Agriculture Committee have engaged in active deliberation, considering a host of options in providing risk management assistance to our Nation's farmers.

The task has been formidable. Variances in agriculture production, regional considerations of weather patterns, and different perspectives on farm management have contributed to a most complex and yet beneficial discussion.

The foundation of our efforts was section 204 of the Concurrent Resolution on the Budget for fiscal year 2000. Six billion dollars was provided over a 4-year period commencing October 1, 2000 for agricultural risk management. The basic rationale was that farm producers could take action to minimize risk, including severe market price fluctuations, and therefore render emergency recovery legislation less necessary.

My colleagues Senator GRASSLEY and Senator CONRAD played a major role in the Budget Committee's action on risk management and have advocated crop insurance legislation offered by Senator ROBERTS and Senator KERREY that would increase Federal subsidies for crop insurance premium payments to make Federal crop and revenue insurance policies more affordable for farmers, particularly at the higher levels of coverage.

In recent months, I suggested that risk management strategy involves more than crop insurance. Cash-forward contracts, hedging contracts, reduction of farm debt, diversification of crops, conservation, and substantial capital land improvements are important risk management tools also available to farmers, and hopefully will be utilized by farmers.

As a result of our extended debate on risk management matters in the Senate Agriculture Committee, more producers are aware or at least reminded of the risk management tools available to them. I am grateful for the support so many have shown to my initiative.

Nevertheless, on March 2 of this year the Senate Agriculture Committee acted and approved legislation, principally the legislation offered by Senators ROBERTS and KERREY, that over the next 4 years recommends $6 billion for improving and strengthening the Federal Crop Insurance Program, beginning with the 2001 crop. Included in the bill is a pilot program providing $500 million in direct risk management assistance to farmers who choose to forego crop insurance subsidies in a particular year.

A producer would receive a risk management payment for utilizing 2 out of 12 risk management options. The legislation also raises premium subsidies to make Federal crop and revenue insurance policies more affordable for farmers, particularly at the higher levels of coverage. The bill eases actual production history so that farmer insurance coverage is less likely to be artificially suppressed by successive years of bad weather; encourages the development of insurance coverage for specialty crops and revenue insurance on a whole farm rather than a commodity-by-commodity basis; it eliminates requirements of the area-wide loss before disaster payments can be made to producers of currently noninsurable crops; and it reduces the potential for insurance fraud and abuse with strong program compliance provisions.

In my judgment, it is very important that the Senate act favorably and promptly on this legislation. It will provide an important safety net component for agricultural producers.

Let me mention a practical example of how crop insurance works in my own situation. There may be others in this body who have been purchasers of crop insurance on their farm. The Senator from Iowa, Mr. GRASSLEY, comes to mind. I have utilized crop insurance on my farm. Let me suggest to the Chair the crop insurance that is now available to farmers may insure the yield; that is, take a look at your farm and try to make certain that the yield you believe you would normally get is going to be there through insurance, or at least as great a percentage of that as possible you can insure, and for a premium price you can insure that yield. Or farmers can insure the revenue that might come from yield and price and take out a policy that might cover that situation. Farmers can do both—yield and revenue.

There have been in the past catastrophic insurance policies. They contemplated the loss of over half of the crop. A while back, such insurance was required. The requirement was relieved by the farm bill of 1996. This is available to farmers to guarantee income to them, regardless of the weather or other hazards that might come from nature; likewise, hazards that might come from loss of exports as it affects the revenue that comes from that farm.

To take a very practical example, last Friday I was in a situation where I was able to make a sale of 2,000 bushels of corn from my farm to a grain elevator in Indiana. A commonsense person would ask: But you haven't planted the crop yet; where did you get the corn to make a forward contract, a promise, to deliver 2,000 bushels of corn? I promised to deliver that corn in March of 2001, and I will receive $2.57 a bushel for that corn.

For me, that was a significant contract. That may not be the top of the market, but I point out that in our debates on agricultural pricing last year, the Chair will recall some debaters pointed out that the price of corn had fallen to $1.70 a bushel. Many pointed out that effectively there was a floor through the loan deficiency payment of about $1.96 for corn farmers throughout the country. That was the minimum price for corn in most sections of our country. The current cash price for corn in some elevators around the country is somewhere between $2.10 to $2.15, as of March, if you are going to deliver.

I mention this to give some benchmarks. Mr. President, $2.57 is obviously much higher than the floor of $1.96 which would still prevail in the current crop we are speaking about, much higher than the current cash price. That is, obviously, far higher than journalistic accounts of how far the price of corn fell last year.

I was able to make that sale because I have crop insurance. Last year, I took out a 65-percent CRC policy, a crop revenue coverage policy. That particular policy means, in essence, I can take a look at the number of acres I want to plant, the average yield from those acres on my farm. The crop insurance people then take a look at the price of corn in the December futures as reflected for a period of 30 days; they take a look at what happened in the past. In essence, I am guaranteed at least that if I want to I can sell my crop in advance and take bold maneuvers with regard to marketing.

That is one of the major purposes of crop insurance. What I have described is a fairly simple device used by most farmers; namely, a forward contract, based upon the fact you have something to sell and based upon the fact the price for corn goes up and down. You can look at futures markets. You can look at the trends and make sales. You are not left to wait for the elevator price at the time the corn comes in. An abundant harvest sometimes puts corn and other grains on the ground because elevators cannot handle it or railway cars cannot take it away.

I mention this because crop insurance is obviously an extremely vital part not only of a safety net to make sure farmers are going to have a substantial amount of income but as a part of marketing strategy. As a part of this debate, we have talked about marketing strategies because they are going to be required for most farmers in America to make a profit and to do well enough to support their families. It will not work for farmers to plant, as they always have planted, whatever does well on their land, and to hope that the price will be high at the time of harvest. As a rule, price is low at the time of harvest. Unless there is a marketing strategy, farmers do not maximize their income, and many are not doing very well.

This is a very important part of the 1996 farm bill legislation. As my colleague, Senator ROBERTS, has pointed out during his chairmanship of the House Agriculture Committee, this is a part of the picture that was never completely filled in. We have an opportunity to do that today.

The bill Senator ROBERTS, Senator KERREY, and their staffs have researched, and which I support, calls for higher possible percentages. I spoke of a 65-percent policy which I took out last year, but higher percentages are

possible. Of course, that means higher premiums.

The bill before the Senate lessens those premiums to farmers by offering a much stronger subsidy. There is a certain inversion of the subsidies. By that I mean, if farmers reach out for more safety, farmers receive more support from this bill. The point is to try to persuade farmers to take seriously the safety net provided by crop insurance risk management tools. This bill goes a long way to offering those incentives.

Let me take, once again, a concrete example anecdotally from my own situation last year. The premium for my crop insurance on my corn crop was $1,700, quoted by the crop insurance salesman out in Indiana. Ultimately, I paid about $700-plus. The subsidy to the policy was about $1,000. That is a very strong inducement to take crop insurance seriously.

In my home State of Indiana last year, approximately 44 percent of farmers did take crop insurance seriously, although many at much lower levels—some at simply the catastrophic level, at a very low premium. Therefore, even after we pass this legislation, which I hope we will do, and confer with the House—they have passed legislation that is very similar to this—and enact this so it comes into force prior to the fiscal year that begins the first of October, each one of us will have an obligation to visit with our farmers, to visit with the extension offices of our agricultural universities and others, to explain the possibilities that are there for risk management for a very large safety net provided in the farm bill and provided by the Budget Committee for these next 4 years.

This is an extraordinary opportunity. We owe it not only to the country to pass legislation, but we owe it to our farmers to make sure our advocacy reaches a new level of information and education about very constructive legislation.

I yield the floor for my distinguished ranking member of the Agriculture Committee. In due course, I know Senator ROBERTS will want to be heard, and should be heard, and Senator KERREY, who have been largely responsible for fashioning portions of this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the chairman for his leadership and graciousness on this bill and for working hard to get it out on the floor in a timely manner. I am hopeful that we can dispose of it fairly rapidly today and move on.

We are here considering passage of a crop insurance reform bill that we just reported out of the Agriculture Committee on March 2. It has been a long and difficult journey to get to this point, not the least because we had a lot of good ideas from Members of this body and of the committee. I think there were no fewer than six comprehensive bills introduced on this issue. I would like to think the bill we will have at the desk shortly incorporates the best provisions of each of them. I am sure our colleagues in the House are eager for us to finish our work on this because they passed their crop insurance bill last September. So hopefully we can get this passed and get to conference and get this thing wrapped up.

The bill we are going to have before us shortly, S. 2251, takes advantage of the opportunity offered by last year's budget resolution to apply $6 billion to a reform of the Federal crop insurance system. This effort probably has taken on some added urgency recently due to the low commodity prices faced by our farmers. But I caution my colleagues not to place too much emphasis on the potential role of crop insurance in remedying those problems. When the last set of crop insurance reforms were passed in 1994, this program was complemented by a number of others which together comprised what was called the farm safety net. Much of the countercyclical element of that safety net was removed by Freedom to Farm, laying the foundation, I think, for some unreasonable expectations about the ability of crop insurance to offset the effects of an agricultural economy that went south. I do not mean geographically.

Aside from problems in the general farm economy, which crop insurance was never intended to deal with, the last few years have exposed other weaknesses in the program, which this bill does attempt to address. First of all, although the program currently covers about two-thirds of acreage for eligible crops, much of that coverage either represents catastrophic policies or policies at the lower levels of buy-up coverage. This bill offers enhanced subsidies for the purpose of buying crop insurance. Under the current system, the percentage subsidy peaks at the 65/100 level, making farmers eat a 35-percent loss of crop value before they qualify for any relief. We want to encourage farmers to insure their crops at a higher level of buy-up, which we hope will have the effect of reducing the probability of future ad hoc disaster relief programs. We are also equalizing premium subsidies for revenue insurance coverage, which Iowa farmers have eagerly adopted. In 1999, Crop Revenue Coverage and other revenue products covered more than 60 percent of insured acres in my State of Iowa, I might add, the highest percentage in the country. The revenue insurance concept was one of the best things to come out of the 1994 reform, and I want to thank those at USDA and the private sector who did the hard work to make it available.

In addition, this bill includes provisions which fixes APH problems associated with multi-year natural disasters, makes the Noninsured Crop Disaster Assistance Program more attractive, and offers greater support and flexibility in conducting research and development of new crop insurance products, especially for specialty crops. On the administrative side, it strengthens oversight of the industry and penalties for noncompliance and fraud, clarifies reporting requirements, makes changes to the structure of the Board of Directors of the Federal Crop Insurance Corporation, and requires USDA to pay more attention to regions of the country where crop insurance is not viewed as an attractive option.

Chairman LUGAR offered a competing vision for addressing concerns about crop insurance and risk management for farmers. His approach was to encourage farmers to adopt a wide range of risk management practices, rather than focus just on crop insurance. In the spirit of compromise, this bill included a $500 million risk management pilot within the substitute amendment offered and passed in committee, and I look forward to what USDA learns from implementing this program for 3 years, assuming it will be implemented into law.

I am pleased that the committee adopted an amendment I offered during markup which restores the conservation compliance requirement for crop insurance, which passed by voice vote. I do not believe it is unreasonable to treat crop insurance and risk management payments in the same way as we treat FSA loans, disaster payments or any other USDA benefits. For all those other benefits, farmers do have to comply with conservation programs. That is especially so considering that crop insurance is already a substantial USDA program, costing nearly $2 billion a year. With this legislation, we will add about $1.5 billion a year in additional spending for crop insurance and risk management programs. It seems only right that for some $3.5 billion a year, we should be doing all we can to ensure the programs are also promoting conservation of our precious soil and water.

We also worked to strengthen the risk management program by adding resource management practices and organic farming as eligible options, and instructed the Risk Management Agency to view scientifically sound sustainable and organic farming practices as good farming practices.

All in all, I think this crop insurance bill is a good piece of legislation. I especially want to compliment my colleagues, Senator KERREY of Nebraska and Senator ROBERTS from Kansas, for their strong leadership in a bipartisan manner on this bill. I believe they have engineered and built a good bill, a bill that will help us in all parts of the country in those things I just spoke about—everything from specialty crops in one area to the big wheat and grain crops in other parts of the country—with the provisions in there that mandate that USDA is to find new ways of making crop insurance more attractive in those areas of the country that have low sign-up rates. Finally, I think the

vision of both Senator ROBERTS and Senator KERREY in getting the subsidies for the buy-up—that really is the heart and soul of this bill to ensure that farmers will have a better deal when they buy up their risk coverage for their crops and their crop insurance programs.

It is a good bill. It deserves the support of the Senate. Hopefully, we can get it up, and hopefully get it through in due course yet today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kansas.

Mr. ROBERTS. Mr. President, as has been indicated by my colleagues, the distinguished chairman and ranking member of the Senate Agriculture Committee, we have before us—we do not have before us, but we would like to have before us S. 2251, entitled the ''Risk Management for the 21st Century Act.'' It has been certainly aptly described by the distinguished chairman and Senator HARKIN.

This legislation is a slightly modified version of a bill by the same name; that is, S. 1580 which was introduced by Senator KERREY and myself last fall. It was supported by a large number of our colleagues.

Our farmers and ranchers have to deal with multiple threats of weather and pests and disease that few, if any, businesses must experience on a daily basis. As we all know, it can often be a very brutal up-and-down cycle, a real price roller coaster that our farmers and ranchers must face. To get through these cycles, our producers must have crop insurance and risk management tools at work.

This bill represents a real personal effort on my part and that of my staff, as well as Senator KERREY and other colleagues.

But it was about 20 years ago that my predecessor in the House of Representatives, the Honorable Keith Sebelius, cast the deciding vote to create the Federal Crop Insurance Program. Since that time, it has been almost 20 years now we have gone through numerous reforms to get this right. This has been a personal commitment of mine for some time.

If you sit on the wagon and listen to farmers, regardless of which region they come from, or what commodity they are involved in, time and time again they have come to us and said it is time for major reforms in the program.

Two years ago, Senator KERREY and I agreed to work together on this issue. I said: BOB, do you think we can do this?

He said: Well, we don't have any other alternative but to try.

Tackling the national and comprehensive Crop Insurance Program has been—I don't know—sort of like pushing a rope. But we certainly agreed on the issue. We have been working on this legislation with able staff and with the help of the chairman and the distinguished ranking member. We have been working on this for nearly 18 months nonstop.

We began the effort in earnest when we gave every farm, commodity, lending, and insurance group the opportunity to provide their suggestions for improvements in the Crop Insurance Program. We asked everybody—we cast a wide net: How do you want to improve this?

The response to this call for comments was overwhelming. The comments we received certainly gave us a clear and common direction in which we needed to go in regard to this legislation.

Who am I talking about? If I could find the list here because we have a letter dated just a couple of days ago:

> As organizations representing farm, lending, and insurance industries, we are writing to strongly urge that the Senate pass the recently reported Senate Agriculture Committee crop insurance risk management bill.

We have the American Association of Crop Insurers, the American Bankers Association. Don't forget, this is a lender's issue as well. This is an issue that affects the lending institutions. Many of them simply will not continue to go down the road on behalf of our producers without what they believe is reasonable crop insurance.

We have the American Farm Bureau Federation, the American Feed Industry Association, the American Nursery and Landscape Association—let me repeat that—the American Nursery and Landscape Association. Why am I saying that? Because that particular group represents, in many of the Northeastern States, the No. 1 major agriculture interest. I understand there is some concern on the part of those from the Northeastern part of our country that perhaps their needs have not been addressed to the extent that they believe would be commensurate with proper reform.

We have the American Soybean Association, the Crop Insurance Research Bureau, the Farm Credit Council, the Independent Community Bankers Association, the Independent Insurance Agents of America.

I do not mean to get too tedious, but this is a long list of everybody involved in agriculture who has come to the conclusion that this bill is a good bill and we should pass it.

We have the National Association of Wheat Growers, the National Barley Growers Association, the National Corn Growers Association, the National Farmers Union, the National Grain Sorghum Producers, the National Pork Producers Council, the National Sunflower Association, the National Association of Professional Insurance Agents, the Rural Community Insurance Services, the Society of the American Florists. If Members will vote for this, they will get a floral bouquet, as well as bouquets of credits from all these organizations.

We have the U.S. Canola Association. I could go on with other lists, but I think I have made my point.

These groups told us to do the following. This also represents all the producers from all regions of the country, every commodity group, that told us, No. 1, to make higher levels of coverage more affordable. We want to encourage our farmers and ranchers to buy up more crop insurance, certainly not less.

Second, to provide an equal subsidy for both yield and revenue insurance products. It is the revenue insurance product that may well be the foundation for the next farm bill. I am not saying that will be the case, but certainly that is an option. So to improve those products, it seems to me, is very important.

The chairman has gone over this in his remarks.

Third, to develop steps to address the problems associated with a lack of production history for a farmer that is just beginning and concerns that an adequate policy does not exist to address multiple years of disasters. How many times have we had a farmer come and testify before the committee and say: Look. I can't get any crop insurance. I have been hit. The Good Lord was not willing, and the creeks did rise or they didn't rise, and we got into all sorts of multiple disasters and I could not get the crop insurance.

Fourth, the creation of new and expanded crop insurance policies for specialty crops and improvement in what is called the Noninsured Assistance Program, which covers many specialty crops.

I am going to come back to that because when we put together this bill, Senator KERREY and I knew we had to reach out to every region of the country. We knew there was a lot of consternation and frustration on the part of Members who represented farmers from the Northeast and producers also from the South that the current Crop Insurance Program was not favorable to their interests, that it was discriminatory.

So we sat down with staff. I remember in one of the first meetings we had, why, Senator KERREY told me: PAT, we have to reach out to these groups. We have to cover the specialty crop producers, more especially, since the Northeast and the Eastern part of the country went through such tough times in regards to last year and the drought.

We have tried to do that. It seems to me to be a paradox of enormous irony that the very region of the country we are reaching out to, now we have distinguished Senators who are privileged to represent the farmers and the ranchers and the producers, the specialty crop folks from that part of the country, saying: Well, wait a minute. We're worried that this bill does not address our concerns. Address them? We reached out to them. This is the most favorable crop insurance reform, I won't say that could be imagined, but these are the very folks to whom we reached out.

Next the farmers told us: We want some increased emphasis in specialty crop policy research and development; use the good offices and the expertise and skill of the Department of Agriculture for pilot projects with regard to research and development for specialty crops, not only the program crops, the wheat, barley, corn, and feed grains, all of that, cotton and rice, but the specialty crop folks; they deserve that. And that is in the bill.

They asked for major changes in the Federal Crop Insurance Corporation's board of directors, more farmer input, if you will. That has certainly taken place.

They asked to streamline and remove the roadblocks in the product approval process. Somebody could come up with a new pilot project and it would lay around 6 months, 8 months, a year, and we couldn't get any approval. We have deadlines now to be approved.

We take some significant steps to address the fraud and abuse of the program. The chairman has pointed out that we don't want a situation where if you are going to reform crop insurance, you simply encourage people from challenged lands, if that is the proper term for it, to farm the program, if you will. We have very strong language in regard to fraud and abuse. I cannot imagine any producer who, once they take a look at the penalties, would ever go down that road.

It is my hope the bill does all the things I have said and more. I have the rest of my statement here. I will not ask that it be put in the RECORD at this point because I would rather simply go into the details when we have the bill before us and have a time agreement. I hope we can get the time agreement.

Again, I think it is a paradox of enormous irony that when you reach out to certain sections of the country, you find yourself in a real quandary. You scratch your head and have a lot of frustration. You have some degree of concern that Senators from the very part of the country you have included in the major crop insurance reform—and by ''included,'' I mean asking those Senators and their staff to come to us and to provide some answers; they have done so, and we have put it in the bill. Now it seems that this is where the concern is coming from, and we are holding up the bill.

I can go into all of the provisions we have for specialty crops; i.e., the matter of concern with regard to folks in the Northeast. I will not do that. I am going to save that until we have some of the Senators on the floor to point out to them just what we have done. But there are four big ticket items, and additional items of interest, about 15 of them. I think it is very salutary to the concerns of producers in that area.

Both Senator HARKIN and the chairman of the committee, Senator LUGAR, indicated that this bill should be on the unanimous consent calendar. We had the debate in the committee. The chairman had a different approach in regard to a risk management approach. It was a very legitimate option. We have committed some funds to see if we can go forward with that kind of option step by step. But the majority of the bill pretty much mirrors what they have done in the House.

Now, how did the House do this? Did they have a big debate? Did regions of the country have some problems with this? No, the House of Representatives, in their infinite wisdom, passed this by unanimous consent.

With all due respect to my colleagues in the other body, a body in which I was privileged to serve, they have a lot of trouble deciding when to adjourn, let alone doing anything by unanimous consent. I hope they take that in the spirit in which I say those comments.

They passed it by unanimous consent. That means any one Member out of 435 could have stood up and objected. Nobody did that because they knew that this was on the agenda. We promised this 4 years ago, the editorial ''we,'' both Democrats and Republicans, when the new farm bill was passed. Despite all of the criticisms we have heard in regard to the new farm bill—and this is not the time to get in to that discussion or debate—both Senator LUGAR and I held up the chart—certainly Senator LUGAR referred to it—which said, if you go to a more market oriented farm policy, these are the things you have to have with it to give the farmer the risk management tools to compete. It was supposed to be done 4 years ago after the 1994 reform.

We did not do that, ''we'' meaning the administration and leadership on both the Democrat and Republican side. We all bear part of that responsibility. There were honest differences of opinion. Sometimes things take a little longer. But if the House of Representatives can pass this by unanimous consent without one objection, what are we doing here holding up this bill, especially when we are reaching out to the very people who are raising the objections.

If Senators have some problems with this, please come down and talk to Senator KERREY and me and the distinguished chairman and Senator HARKIN. We think we have some very good answers for you. We think we have done what you want us to do. I don't know when enough is not enough, but it seems to me we ought to do that.

One of the biggest reasons why we should do this, you never know what the weather is going to do. You never know when a section of the country could be hard hit. We provide that assistance under disaster bills. Ours is not a disaster bill. It addresses some of the concerns farmers have in regard to going through disasters in that it gives them a risk management tool. They control that, along with their lender and their insurance company. They can better guard against the natural disasters that can happen. But everybody here knows what has happened when we have a disaster, more especially in the even-numbered years. When we have a disaster, it is a disaster to try to devise a disaster program that is fair and is equitable. That was a concern on the part of the Senators from the Northeast during the last disaster bill that was passed in the last year to provide assistance to hard-pressed farmers. They believe they were discriminated against. I think they have a point. But the proper way to address that is not on the crop insurance reform we have constructed to be in their best interest. That is a separate issue.

If we passed the crop insurance reform and the money is in the budget through the efforts of the good Senators mentioned by the distinguished chairman, we have $6 billion there. It is not over budget. But if we have add-ons with different amendments, obviously we will be over budget. That is not the answer to this.

In addition, if you have the crop insurance risk management tools in place, in my personal view, you are not going to have the tremendous need or the tremendous support for annual disaster bills. We got along for 2 years, I think, after passage of the farm bill, where we didn't have to spend $1 for disasters. Obviously, we have a lot of folks who would predict that it doesn't happen every year. But if the farmer has the proper risk management tools, yes, it is going to cost some money, but it will save the taxpayer much more money in the long run rather than treating this on an annual basis in terms of disaster bills. This is in the best interest of the taxpayer.

I think I have pretty well made my point. I will save the rest of my statement when we do get agreement. I will say again that I hope we do get the agreement soon.

I wish to pay special credit to Senator KERREY and to his assistant, Bev Paul, along with a young man who assisted me in this effort, Mike Seyfert. They have worked day after day, hour after hour, back and forth between every commodity group, every farm organization, every Senator, every region. It has been tedious work. How many Senators will get a blind phone call from somebody trying to sell you insurance? I think probably insurance is not the most favorable topic about which to be talking. Crop insurance does tend to be a high glazer, as we can see by the lack of colleagues on the floor. So they have taken this rather tedious subject, this detailed and complex subject and have worked out a major reform.

Senator KERREY has done a splendid job. We have both, as I said before, tried to truly listen to our producers to come up with something we think will be the answer.

I think this is one of the major reforms in farm program policy. I thank Senator KERREY and the dedicated staff, both his and mine, and certainly the staff of Senator LUGAR. We have worked through a very difficult time. Well, now is the time. As I said, we

ought to do it by unanimous consent. I hope we can get this thing done and we can work out the agreement. I know people are working overtime to get this done, but tempus and the weather fugit. That means we can't dilly-dally around with this.

I must say, given the considerations that it is an even numbered year and the amount of angst and frustration on the part of our farmers and ranchers, this has been promised for years. So the people who hold up this bill should know there is a groundswell of support for the bill, and there will also be, I suspect, a tad bit of criticism for the people who are holding it up. That is just a thought.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I thank Chairman LUGAR. He has done great work in allowing the process to come forward and allowing suggestions on how to improve crop insurance and make it more responsible. There has been some abuse of the program. Senator ROBERTS talked about it, and he has been a champion on that problem. We don't want a program that encourages people to farm for insurance rather than actually produce a crop. His suggestion to produce a program that gives people a variety of options that includes crop insurance, I think, is an improvement in the risk management offering to provide the farms and ranchers in the United States of America.

I also thank Senator LEAHY. I understand he spoke yesterday. In the Northeast, although there is only 2 percent of the farm land and 6 percent of the dollar value of crops produced on an annual basis, it is still important. There are farms in New Hampshire, Vermont, upstate New York, and New Jersey. They are concerned; they have expressed those concerns. We have taken their concerns into account. The House bill does not, I should point out to those from the Northeast. We have accommodated those concerns, unlike the House. You will see it if you look at the language of the legislation.

I thank Senator ROBERTS. It has been fun working with him. I think we have produced a piece of legislation that will provide producers with what they have been asking for, at least in Nebraska—the most important.

We have been blessed in the United States with a successful agriculture strategy over the last 100 years. But it has lulled us to sleep in many ways.

We are hoping to get an agreement on the bill. I ask my colleagues to take this opportunity to discuss agriculture in general. There are so many misconceptions about agriculture. It is seen as sort of an old policy. Agriculture is oftentimes seen as a special interest when, in fact, out of an $8 trillion economy, agriculture still accounts for a trillion dollars of that. Nearly 1 out of 8 jobs—almost 20 million jobs—in the United States are there as a consequence of the food and fiber grown on the farms and ranches of the United States of America. It is quite a remarkable success story. We take it for granted too often.

In this morning's New York Times there is an article by an economist by the name of Paul Krugman, talking about an issue that is quite hot: genetically modified organisms. Mr. Krugman, quite accurately, said that many of the opponents of GMOs are people who don't understand that it is the application of technology that has not only made our food better but made it affordable and relatively easy to acquire. It is almost nothing if you want to order the food that you can't get in relatively short order as a consequence not just of the way we produce food, but the way we distribute it, transport it, store it, and the way we process it. It is quite a remarkable success story and still accounts—even with declining sales internationally—for the most impressive part of our trade story. In fact, about the only good news right now in the trade story is we still have a slight surplus with agricultural exports. We tend as a consequence to take agriculture for granted and sort of see it as a marginal part of the economic debate.

Agricultural policy should be front and central to any economic strategy. Producing a trillion dollars in output and producing 20 million jobs is obviously significant to those of us who have portions of our economy dependent upon agriculture in our States, and it is obvious to us that it is a part of the new economy. The Senator from Indiana can talk eloquently about it because he still has an active farm. But you don't achieve success on a farm today without applying a significant amount of technology, without being a part of the new economy, without using computers, without being able to know exactly what your costs are, and without being able to know how to market and where the market is. There is almost nothing that is taken for granted today when it comes to production agriculture.

So it ought to be a central part of our economic strategy. I know we attempted not just to accommodate but to take into account the concerns of States that don't have as much agriculture but are still important, such as the Northeast, where, as I said, it is only 2 percent of the agricultural land in production and 6 percent of the total dollar output; it is still important for a lot of reasons, both economic and social. As we try to figure out our economic strategy, it ought not to end up on some shopping list down there with a list of 30 or 40 things that people want to get done.

The unfortunate part of agriculture is that there is considerably more risk. That is what this legislation does. I want to talk about that risk because I get asked about this in urban environments in Nebraska, such as Omaha, Lincoln, Hastings, or some other smaller communities. Oftentimes, they say: Why do we have a special program? Why do we do crop insurance at all? Why do we have a Government-private sector partnership to help farmers manage risk? What makes them special or different than us?

There is an answer that may not be readily apparent, although it is quite obvious to those of us who are from States where there is an awful lot of production agriculture. The answer is, unlike all other manufacturing businesses, agriculture is at risk to the weather. I am in business. I have restaurants and health clubs.

In 1975, on the 6th of May, at about 4 o'clock in the afternoon, a tornado came up out of the Northwest. We had been in business a little over 2 years. The tornado blew us away; it completely destroyed our business. We had to start again from scratch. It happened in May, and we reopened 18 weeks later. We didn't even lose the 4 months sales we thought we were going to lose because we opened with greater volume. But if I am running DICK LUGAR's farm and a tornado comes through, it can take away not just 4 months' revenue but an entire year's revenue.

It is different. In my restaurant, I control the environment. I don't suffer declines as a consequence of drought, as we are currently experiencing in the State of Nebraska. I don't suffer as a consequence of all the different changes in the weather that can put the crop of a farmer or ranch unit at risk. So there is considerable risk, which is different than in other kinds of businesses. No other manufacturing business produces its product out of doors, and no other manufacturing business is at risk of losing an entire year's revenue as a result of too much water, too little water, rain, hail, and all the other sorts of things that can happen that cause a producer to lose an entire year's income.

In addition, very few businesses have the economic situation that agriculture does. That is to say, just a little more supply than what is necessary will cause prices to go down. It is just a slight more supply than is needed—if you produce, say, 15 or 20 percent more than what the market will absorb in a single year's time, the price will go down sharply. There is tremendous sensitivity to excess production.

In Mr. Krugman's excellent observation this morning in an op-ed piece in the New York Times, he said the very people who tend to oppose GMOs are the people who are least likely to be able to produce food on their own and who have benefited from the application of technology and the consequence of lower prices, greater quality, and greater accessibility to food. They have no difficulty getting food. They live in relatively wealthy nations, and they are not going to suffer as a consequence of not bringing the GMOs on line. It will be the poor, less developed

nations that will suffer the consequence. It is easy for Prince Charles to oppose GMOs.

We find ourselves in a short supply-and-demand situation where consumers are basically saying: We don't want our farmers and ranchers to produce less than what we want. We don't want to be short of food. We don't want prices to go up too high. We have a policy—it is especially true with large processors—where processors not only want prices to be stable but prefer prices to be in the lower range, if possible. That is always good business. You try to keep your costs under control. If we overproduce, the prices are always going to be on a downward pressure.

This legislation, the Risk Management for the 21st Century Act, allows the continuation of the development of products that are offered to farmers to manage the risks of price declines and revenue losses coming from changes in the market over which they have no control.

The Senator from North Dakota talked about currency fluctuations at great length when we discussed trade agreements and trying to get something in trade agreements that allow us to accommodate the sort of things that we saw after NAFTA with the peso decline. We found ourselves at a significant disadvantage as a consequence. These currency declines can have a tremendous impact on the earning ability of our farmers. It is a risk that the farmers of America have to manage.

In this new and improved crop insurance proposal, we will have an increased likelihood, in my view, that market-oriented products will enable a producer to manage the risk of loss of income due to unexpected and uncontrolled declines in their income associated with price declines. Also, those products will be developed and available to the market. Not only do we increase the subsidies and make it more likely that people will buy, but we also provide risk-minded options. We make changes in the existing crop program. Key among them is we restructure the risk management agency to make it more likely that products will be brought to market more quickly. It is more likely to be market-oriented as well.

My hope is that we can move this legislation—as Chairman LUGAR and Senator ROBERTS have indicated, and earlier Senator HARKIN spoke, and we could not have developed this piece of legislation without the distinguished ranking member as well—and pass a good, strong bill that is beneficial to all regions of the country so that it is more likely to come out of conference as a bill that is closer to what the Senate has. The House, as I said, does not have many of the provisions that the Northeastern Senators have been talking about. We did in ours. My hope is that we can pass this piece of legislation with a large influence and in a positive way for the conference.

The PRESIDING OFFICER. The Senator from Indiana.

UNANIMOUS CONSENT REQUEST

Mr. LUGAR. Mr. President, we have had an hour of general debate and discussion.

On behalf of the leader, I would now like to offer a unanimous consent request.

I ask unanimous consent that the Senate now proceed to Calendar No. 464, S. 2251, the crop insurance bill, and it be considered under the following time agreement:

One amendment to be offered by the managers limited to 10 minutes and not subject to second-degree amendments and no budget points of order be in order prior to the disposition of the managers' amendment, and for the purposes of complying with section 204 of H. Con. Res. 68, the bill, as amended by the managers' amendment, be considered as the committee-reported bill:

Two relevant first-degree amendments in order to be offered by the majority leader, or his designee;

Two relevant first-degree amendments in order to be offered by the minority leader, or his designee;

That those first-degree amendments be subject to relevant second-degree amendments;

That all amendments except where noted be limited to 30 minutes equally divided in the usual form;

That no motions to commit or recommit the bill be in order;

And following disposition of the above-described amendments and use or yielding back of debate time, the bill be advanced to third reading.

I further ask unanimous consent that following third reading of the bill, the Senate proceed to the House companion bill, H.R. 2559, and all after the enacting clause be stricken, the text of S. 2251, as amended, if amended, be inserted, the bill be advanced to third reading and passage occur all without any intervening action or debate.

I finally ask unanimous consent that following passage, the Senate insist on its amendment, request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and the Senate bill be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

If I could just explain for a moment, we have been working closely with a number of our colleagues, I understand, on a bipartisan basis from the Northeast who want to be able to offer an amendment. I know at least in some cases they haven't had the opportunity to see the bill until yesterday. So they have asked for our indulgence in working with them to see if we can accommodate their needs. I have indicated a willingness to do that.

I noted to Senator LOTT just a few minutes ago that we are close to reaching a procedural arrangement whereby that could be done. I am hopeful that we will be able to get that agreement sometime shortly. I have no objection to proceeding to the bill. We could certainly do that.

Earlier, a suggestion was made and a unanimous consent request I think was offered which would allow us to go to the bill for general debate only. As I understand it, that was objected to. But whether we go to the bill without an agreement or go to the bill and seek a unanimous consent that would allow for a general debate, either of those approaches would work.

I hope that by the end of the day we can get a unanimous consent agreement that would spell out in more detail, as perhaps the chairman has suggested, an amendment list. As I said, we are close. I certainly have no objection myself to moving forward, as he has suggested. I want to accommodate Senators who have been working in good faith to try to find a way in which to amend the bill, and they should be prepared to do that before the end of the day.

I will object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I had hoped to come to the floor today in support of the long-awaited, long-anticipated crop insurance reform bill. My colleagues, Senators ROBERTS and KERREY, have toiled over this legislation, laboring to ensure that the risk management activities America's farmers will undertake are fair, affordable, and comprehensive.

Instead, I understand that a few of our Democratic colleagues have placed a hold on the bill, while ironically, an editorial in the Washington Post this morning decries the 1996 Freedom to Farm Act and the very legislation I had hoped would pass today.

Mr. President, nearly every major commodity group in the nation supports the Roberts/Kerrey bill and have, through the voices of their membership, called upon us to act. Instead of working to pass crop insurance legislation growers from across the country have been anxiously awaiting, we instead find ourselves once again defending the principles of freedom to farm.

To use America's farmers as a pawn in an election year political game, at a time when the agriculture economy is in a serious state of flux, in my opinion invalidates their plight. When we should be passing comprehensive, bipartisan legislation that enhances the

safety net for American farmers, we instead find ourselves fighting to address a bill the farming community nearly overwhelmingly desires.

As of late, farmers in the Pacific Northwest have found themselves in this same game far too often. At the same time the Administration sends officials out to Washington state claiming to provide solutions to these serious issues, regulators under the Clinton-Gore watch are working to eliminate the water, transportation infrastructure, chemicals, and in general the tools necessary for farmers to continue their livelihood.

Last week, the Washington Association of Wheat Growers made the 3,000 mile trip to Washington, DC to encourage me to support the crop insurance reform we were supposed to address today. At a time when check books barely balance, fuel prices are outrageously high, while commodity prices are low, these folks asked for our help. Unfortunately today, these proud and previously profitable growers must wait. They must wait for several folks on the other side of the aisle to make a political monster of crop insurance before they can receive this desired reform.

Mr. President, when the Risk Management for the 21st Century Act finally comes before us here in the Senate, I will support the efforts of Senators ROBERTS and KERREY, of the Senate Agriculture Committee, and of those voices in rural America who demand crop insurance reform.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 464, S. 2251, the crop insurance bill, and that it be considered under the following agreement: First, an amendment to be offered by the managers, limited to 10 minutes and not subject to second-degree amendments, and no budget points of order be in order prior to the disposition of the managers' amendment, and for the purposes of complying with section 204 of H. Con. Res. 68, the bill, as amended by the managers' amendment, be considered as the committee reported bill.

Parenthetically, the amendment offered by the distinguished Senators from New York and New Jersey would be a part of that managers' amendment.

Mr. SCHUMER. Mr. President, will the Senator yield?

Mr. LUGAR. Yes.

Mr. SCHUMER. I first thank the Senator on behalf of myself and the Senators from New Jersey, Rhode Island, all of us, as well as the other members of the committee. This is an extremely important amendment to all of us. I ask the Senator, will the Senate in the conference do everything it can to keep the language and the amount of money we have agreed to?

Mr. LUGAR. I am sure the Senate will argue the merits of the Senators' suggestions as well as the rest of the managers' amendment, and whatever else transpires, with vigor.

Mr. SCHUMER. I thank the Senator, again, for understanding our particular problems with agriculture in the Northeast. As the Senator may remember, last fall when disaster struck, we were unable to protect our farmers. Being allowed to be included in the crop insurance program for specialty crops such as fruits and vegetables is extremely important. We are very appreciative of those efforts that were made.

I yield to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the chairman. I am certain he understands many of us believe that the long, slow erosion of the agricultural community in the Northeast must come to an end. Those who are engaged in specialty crops and other products in New York, New Jersey, Rhode Island, Connecticut, Massachusetts, and other States have suffered very badly in recent years.

I think the agreement we have come to is of some real note. That is, this isn't simply an agricultural crop insurance program; it is now a national program. For the first time in my experience, we have reached across the Nation's borders, coast to coast, and designed a program that can work for every State. This is a very important moment for the State of New Jersey and preserving those farms that remain. I am grateful and very much appreciate his commitment to fight vigorously in conference so that the Senate provisions prevail. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend the Senator from New York and the Senator from New Jersey for their great efforts. I thank the chairman. As my colleague so well expressed, there is a tendency to not realize or understand that the Northeast part of the United States has a significant farming industry. We learned that the hard way, in some respects, last fall when we discovered our farmers were in desperate straits because of drought, loss of crops, and environmental conditions that affected them. Today, we are recognizing their standing along with farmers throughout this country, and not only their need but their eligibility now for Federal assistance in times of need. I thank the chairman for his efforts, and I thank my colleagues for working so hard on this.

I yield the floor.

Mr. LUGAR. I thank the Senators from New York, New Jersey, and Rhode Island for their leadership.

Mr. President, can we lock in that part of it?

The PRESIDING OFFICER. Has the Senator completed his unanimous consent request?

Mr. LUGAR. No. This is a portion of it. The request is the managers' amendment be offered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, let me proceed.

I further ask unanimous consent that a relevant amendment by the distinguished Senator from Wisconsin, Mr. KOHL, with a time limit of 30 minutes be entertained, and that a statement by Senator KENNEDY of Massachusetts be permitted for not to exceed 30 minutes; that a sense-of-the-Senate amendment be offered by the distinguished Senator from Minnesota, Mr. WELLSTONE, and that one relevant amendment be offered by Senator WELLSTONE.

May I inquire of the Senator if he would permit us to have a 30-minute time limit for each of these two amendments?

Mr. WELLSTONE. First of all, on the time, I have to decide on the second amendment. On the first amendment, it is not my wish to go on and on, but I would not agree to 30 minutes. There were 2,500 to 3,000 farmers, and 500 came from Minnesota. I would like to commend them for the Rally for Rural America, and call on Congress to take some action to deal with the crisis in our rural communities. I don't think I can give justice to what they did in 30 minutes. Other Senators would like to speak as well. I would not agree to only 30 minutes.

The second point I wish to make is that these are agriculture-related amendments. I wish to make sure that is acceptable to my colleague.

Mr. LUGAR. The request that we made to the Chair is that they be relevant to the legislation before us.

Mr. WELLSTONE. I will object to the whole agreement because these amendments are agriculture-related. I don't think they would necessarily be ruled relevant to crop insurance. I can do the sense-of-the-Senate amendment within an hour, I think, basically recognizing and congratulating people for coming and talking about our commitment to take some action. I might not even do a second amendment. Certainly, they are agriculture-related. There isn't anybody in the world who would say that the sense-of-the-Senate is not agriculture-related, dealing with the price crisis. But I thought that would be acceptable. If it technically has to be relevant to crop insurance, that would be out of order. If it is out of order, I will not agree.

Mr. LUGAR. I have to respond to the Senator, on behalf of our leader, Senator LOTT, that it needs to be relevant to the legislation. The Chair might be asked to rule on that or might not be asked to rule on that. I understand the Senator, and I am attempting to be accommodative. The importance of what he has to say is obvious. But if the Senator could achieve both of his objectives within an hour of time, perhaps we could proceed on that basis.

Mr. WELLSTONE. I would be pleased to achieve the objective within an hour of time. I can do that. I am not trying to hold up the bill. I think I can do that. I am not going to agree if I am going to be ruled out of order. Maybe we can proceed on that basis.

Mr. LUGAR. I pledge to the Senator not to raise a point of order. To reiterate, I ask unanimous consent that we have a Kohl amendment with a limit of 30 minutes; a Kennedy statement with a limit of 30 minutes; and the Senator from Minnesota, with a total of 1 hour for either a statement or an amendment, or a motion, as the case may be.

Mr. WELLSTONE. This would be for a sense-of-the-Senate amendment. If it could be in the agreement that there could be 1 hour and there would not be objection to it——

Mr. LUGAR. All right. Three elements: the sense of the Senate for 1 hour, the Kohl amendment for 30 minutes, and the Kennedy statement for 30 minutes.

Mr. President, these would be the only permissible amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, further, I ask unanimous consent that these amendments have equal division of time and be considered in the usual form, and that no motions to commit or recommit the bill be in order, and following disposition of the above amendments, or the yielding back of time, the bill be advanced to third reading.

I further ask consent that following third reading of the bill, the Senate proceed to the House companion bill, H.R. 2559, and all after the enacting clause be stricken, the text of S. 2551, as amended, if amended, be inserted, the bill be advanced to third reading, and passage occur, all without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, and I shall not, let me thank all Senators for their cooperation and for their willingness to work with the leadership to accommodate the many concerns that have existed on both sides.

Let me say briefly, however, for the record, this is yet another example of the minority again cooperating with the majority and denying ourselves the right to offer nonrelevant amendments first, that is nonagricultural amendments, or any other amendments that are nonrelevant, and limiting ourselves to relevant amendments to this particular bill. We are doing it as a result of the urgency that I think everyone understands about this matter, and we are doing it in an effort to try to accelerate consideration of this bill and also ultimately come to a conclusion. It is an abrogation of the rights of all Senators to again be asked that they preclude the consideration of any nonrelevant amendments.

We will do it again in this case. But I think that, at some point, the Senate has to be the Senate, where Senators have the right to offer amendments regardless of subject matter. Again, in this case, I appreciate the cooperation of everybody. I hope we don't continue in the Senate what I think is a dangerous pattern—that we limit Senators in such a narrow way, as we are doing in this case. We are doing it for good reason, but I hope we can find ways in which to allow Senators to express themselves and be full participants in debate on other matters and other vehicles.

I certainly don't object. I commend the chairman for getting this agreement.

Mr. LUGAR. Mr. President, before I ask for the ruling, let me ask the leave of my colleagues and that Senator JEFFORDS be recognized for 30 minutes on an amendment on our side. I have just been advised that the Senator may have an amendment.

Mr. DASCHLE. Mr. President, I ask if the amendment is relevant.

Mr. LUGAR. The amendment would be relevant.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, finally I ask unanimous consent that following passage of the bill, the Senate insist on its amendments and request a conference with the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I am advised by the distinguished minority leader that, of course, I will be in a position to name conferees on our side, and he also will be in a position to do so.

My hope would be, as I am certain it is his, that we could proceed to conference with the House as rapidly as possible.

Mr. President, I thank the Chair.

I thank the distinguished minority leader and all Senators who have helped us in this.

We are now prepared to offer the managers' amendment;

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agricultural producers with choices to manage risk, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2887

Mr. LUGAR. Mr. President, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for himself, Mr. HARKIN, Mr. ROBERTS, and Mr. KERREY, proposes an amendment numbered 2887.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LUGAR. Mr. President, I know of no debate on the managers' amendment. I ask the Chair to pose the question.

The PRESIDING OFFICER. Time is yielded.

The question is on agreeing to the amendment.

The amendment (No. 2887) was agreed to.

Mr. LUGAR. I thank the Chair.

The bill is now open for the amendments that have been designated in the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to strongly endorse the crop insurance bill that is before us. It is a product of a bipartisan effort.

I especially want to congratulate my colleague, Senator KERREY of Nebraska, who has labored hard and long in order to produce this result. Senator ROBERTS of Kansas is a cosponsor. We are all indebted to them for their leadership on this issue because this bill brings a new measure of stability to rural America. From the Northeast, to the great heartland, to the South, this bill is going to make a difference in the lives of farmers who we know are too hard pressed.

For those who are listening, crop prices are the lowest they have been in 50 years. We have just had a rally on the Mall that went on for 2 days with thousands of participants from all over America with farmers telling us they simply have to have help or they are going to go under in unprecedented numbers. That is the message that has been delivered.

Our first response is the crop insurance reform bill—to say we are ready to help and this Congress is prepared to respond.

I also want to thank my colleague, Senator GRASSLEY, a member of the Budget Committee and the Agriculture Committee, who joined me on the Budget Committee to reserve the funds so that this bill could go forward. We achieved $6 billion in funding last year for crop insurance reform. That is what this bill provides. This bill reforms crop insurance by making coverage more affordable, by fixing an unintended consequence of our effort to reform crop insurance in 1994 that unfairly lowered coverage for producers facing unexpected circumstances with repeated natural disasters.

It requires USDA to implement new quality adjustment procedures. It eases qualification for noninsured crop disaster assistance. It provides for the development of improved specialty crop policies and brings livestock into the crop insurance system.

This bill also provides a pilot program to test an alternative risk management approach.

With respect to the question of multiple years of disaster, let me explain, in brief, the problem.

In areas of the country that have experienced multiple years of disasters, under the current crop insurance law, the formula under which they recover damages is dramatically altered by repeated years of disaster. This legislation offered by our colleagues, Senator KERREY, Senator ROBERTS, and a number of other of us on a bipartisan basis, addresses that problem. I am grateful for it.

My State has been affected by multiple years of disaster. I pray that our time of suffering is over. But other States may have a similar experience. They shouldn't have to suffer unduly. Crop insurance should work for them. That reform is included in this bill. We can be proud of it.

I want to respond, if I can, to an editorial that was in the Washington Post this morning. That editorial, which makes the assertion that crop insurance promotes production on marginal acres, or so-called ''environmentally sensitive lands,'' requires a response.

I believe the facts do not support that claim. I believe the Washington Post in their editorial is precisely wrong about the effect of crop insurance. The fact is meaningful crop insurance did not exist until 1994. Has crop acreage increased in that period? Let us review the record because I think the facts speak in direct contradiction to the fundamental assertion in the Washington Post editorial.

This chart shows the number of acres being planted in this country from 1996 to 1999. One can see the blue bar. Those are the acres farmed. You can see the acreage hasn't expanded. The acreage has been reduced under an expanding crop insurance program.

The fundamental assertion by the editorial writers in the Washington Post is wrong. They may assert, well, it is not fair to look at just acres planted and acres taken out of production. You have to look at insured acres.

Let's do that. This chart, again, is from 1996 through 1999. Again, the acres that are insured are the blue bars. You can see that we are down from 1996. We have not had an increase. The acres insured are down.

One has to ask this question: If farmers are taking acreage out of production, are they taking out their most productive acres? Is that what they would do? I don't think so. I think just the opposite would occur.

As farmers take acres out of production, they would take out their most marginal acres. They would take out those acres that are most environmentally sensitive. That is the record.

I wish our friends who write editorials down at the Washington Post knew a little more about agriculture because I frequently find them in error, but they are never in doubt.

I say to my friends that they need to get out in the heartland of America. They need to get out of Washington. They need to get outside the beltway to find out what is really going on in agricultural America because over and over, as I read their editorials, they have almost no relationship to the reality of what the people I represent are experiencing.

We had a breakthrough today in terms of an agreement with our colleagues from the Northeast. The fact is they had an unfair result in the disaster bill of last year. I acknowledge that. I regret that occurred. I can say my own State has been dealt with generously in disaster programs. We had a horrible disaster in 1997. We had the worst winter storm in 50 years, the most massive flood in 500 years, and the largest mass evacuation of American cities since the civil war. This Congress responded generously to the needs of the people I represent. I will be forever in the debt of my colleagues.

When similar disasters hit the Northeast last year, they were not dealt with as generously. I think we must all acknowledge that. Hopefully, this is a step toward recognizing the very real economic hurt that occurred there.

I conclude by thanking the chairman and the ranking member of our committee. Especially, I direct my comments to the chairman. This is not a bill he favored. He had an alternative approach. But he graciously allowed Members to debate and discuss in the committee. He was eminently fair in the consideration of this bill in the committee. When his side did not prevail, he was a gentleman, and he has come out on the floor of this Senate to help pass the final product of a democratic process.

I thank the chairman very much for his fairness and also his patience. His patience is quite remarkable as we fight and joust about issues that matter an awful lot to Senators as individuals representing different parts of the country, many from States in very deep financial trouble.

Let me finish by again thanking my colleagues, Senator ROBERTS of Kansas and Senator KERREY of Nebraska, for truly outstanding leadership in bringing this reform bill to the floor. I urge my colleagues to support it. I think it is something of which they can be proud.

I thank the Chair.

Mr. ROBERTS. Mr. President, first I thank my good friend and colleague for his very kind comments, and I associate myself with his remarks, most especially with regard to the editorial that appeared in the Washington Post. I think he set the record straight.

I indicated in my earlier remarks there were some provisions of this bill I would like to outline, and I would like to do so at present as a coauthor of the legislation. I said at that particular time we spent a great deal of time—by ''we,'' I mean Senator KERREY, I, and our staff—sitting down with producers and our farmers and ranchers and virtually every interest group that has a remote interest in this bill.

They told us to do the following things:

One, to make a higher level of coverage more affordable;

Two, to provide an equal subsidy for both yield and revenue insurance products;

Three, to develop steps to address the problems associated with a lack of production history for beginning farmers and concerns that an adequate policy does not exist to address the multiple years of disasters.

They also told us to try to create new and expanded crop insurance policies for specialty crops and improvements in the Noninsured Assistance Program which covers many of the specialty crops.

They warned of some increased emphasis in specialty crop policy research and development;

Major changes in the Federal Crop Insurance Corporation board of directors, certainly with more farmer input;

To streamline and to remove the roadblocks and the product approval process;

And to take significant steps to address fraud and abuse in the program.

As I indicated earlier when I went through this list, I think we have done that. I believe, and it is my hope, that the bill now before the Senate does accomplish those goals.

Let me go over specifically what is included in this bill. We made higher levels of coverage more affordable so we will, hopefully, avoid calls for disaster assistance in the future. In my earlier remarks, I tried to emphasize to Senators that once we have national comprehensive risk management available to producers, hopefully we will not get into the expenditures we have had in the past with annual disaster bills.

We made the adjustments to the APH to address multiple years of disaster.

We made significant changes to the Noninsured Assistance Program, including the elimination of the area trigger. Now that is a rather complex description of a problem that is of tremendous concern to the specialty crop producer. That was the No. 1 complaint we heard from producers who use this program.

We provided $150 million in pilot program funding to create pilots to develop new policies, especially for specialty crops.

We provided $20 million per year in new funding to provide research grants to develop new risk management strategies for specialty crops.

We changed the membership at the corporation's board of directors to include, as I mentioned before: Four farmers from geographic regions to be selected by the Secretary of Agriculture, one member active in the crop insurance industry, one member with reinsurance expertise, and then the Under Secretary for Farm and Foreign

Agricultural Services, the Under Secretary for Rural Development, and the chief economist at the Department of Agriculture.

We have streamlined the product approval process and set deadlines by which decisions must be made on new policies that are submitted for approval. We allow companies to charge minimal fees to other companies selling their products in order to allow the recovery of research and development costs. This should also encourage expanded policy development which is a very important goal of the bill.

I also thank my colleagues from the Northeast in reaching an accommodation to address their concerns. We have had a considerable discussion here. They have released their hold on the bill. However, I will have printed in the RECORD the provisions for specialty crops with which we worked so long and hard.

I pay special credit to Mr. SANTORUM, the distinguished Senator from Pennsylvania. Senator SANTORUM obviously came to us after the conference bill was passed during the last session of Congress and said: Look, this is not adequate.

He didn't say that; he said it in a little stronger language. He said: If we are truly going to have a national program, we have to address the concerns of the Northeast.

We heard Senator SANTORUM. We paid a great deal of attention to specialty crop producers, not only in Pennsylvania but all throughout the Northeast. We put together, as I certainly tried to indicate in my previous remarks, a plan where we really reached out. I thank Senator SANTORUM for all of his advice, his counsel, his expertise, and that of his staff. This particular provision for specialty crops would not have happened had we not had his input, advice, and counsel.

I ask unanimous consent to have printed in the RECORD these provisions, with the understanding that Senator SANTORUM should receive full credit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROVISIONS FOR SPECIALTY CROPS

NONINSURED ASSISTANCE PROGRAM (NAP)

Removes the NAP area trigger, the number one complaint of specialty crop producers.

Allows different varieties of the same crop to be combined as one.

Reduces the 35 percent prevented planting requirement to 15 percent.

Establishes a mechanism by which producers growing a new crop can get coverage.

ADDITIONAL ITEMS OF INTEREST

Allows pilots to be conducted on state, regional, and national basis.

Allows nursery and greenhouse crops to be eligible for risk management activities pilot.

Allows grants to be made on a competitive basis for the research and development of specialty crops.

Provides $20 million per year for partnerships to be developed with appropriate public and private entities to develop risk management and marketing options for specialty crops.

Sales closing date for obtaining coverage for a specialty crop cannot expire before the end of the 120 day period beginning on the date of the final release of materials from RMA.

Corporation and specialty crops coordinator are to conduct studies regarding the feasibility of developing new policies for specialty crops.

Section requiring study to determine steps that can be taken to provide adequate coverage and improve participation in states with participation percentages well below the national average.

Drastically improve the product approval process so that new policy proposals do not languish for months at RMA waiting for approval.

Mr. ROBERTS. Mr. President, this legislation also establishes monetary penalties. If we are worried about fraud and abuse, we have penalties up to $10,000 and potential disbarment from the program and all USDA programs for any producer, any agent, any loss adjuster, or approved insurance provider who is found to have defrauded the program.

These provisions in terms of fraud and abuse are strong; they are clear. Those who attempt to defraud the program and taxpayers will be punished.

Every year, our producers put the seed in the ground and they believe if the good Lord is willing and the creeks don't rise or we don't have a drought, they will produce a crop. When the events do occur, they must have the tools to manage these risks.

I ask unanimous consent to have printed in the RECORD a letter signed by 23 different farm and commodity organizations, agricultural lending organizations, and organizations associated with the insurance industry who support the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 20, 2000.

Hon. PAT ROBERTS,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBERTS: As organizations representing farm, lending, and insurance industries, we are writing to strongly urge that the Senate pass the recently reported Senate Agriculture Committee crop insurance risk management bill. The reported bill has strong bipartisan support and includes the risk management ideas of many senators representing farmers with differing risk management needs.

Through hard work, farm-state representatives on the House and Senate Budget Committees persuaded Congress to include $6 billion in funding for risk management in the current Congressional budget resolution. The House of Representatives passed H.R. 2559 on September 29, 1999 by voice vote. The Senate needs to pass a crop insurance risk management bill before the next budget resolution is written or those funds will be unused.

For several years the agriculture community has been promised and desperately needs an improved crop insurance risk management program. We endorse prompt consideration and passage of the crop insurance bill and oppose efforts to make major changes or slow its consideration.

Sincerely,

American Association of Crop Insurers
American Bankers Association
American Farm Bureau Federation
American Feed Industry Association
American Nursery and Landscape Association
American Soybean Association
Crop Insurance Research Bureau
Farm Credit Council
Independent Community Bankers Association
Independent Insurance Agents of America
National Association of Crop Insurance Agents
National Association of Wheat Growers
National Barley Growers Association
National Corn Growers Association
National Farmers Union
National Grain Sorghum Producers
National Pork Producers Council
National Sunflower Association
National Association of Professional Insurance Agents
Rural Community Insurance Services
Society of American Florists
U.S. Canola Association.

Mr. ROBERTS. Our lending organizations and all of the groups and commodity organizations have spoken loudly. They have all continually expressed the need to improve the risk management tools available to our producers. I believe this legislation does accomplish this goal. I am proud of this bill. It is a strong bill. It is a fair bill. It improves the program for both the taxpayers and our farmers and ranchers. It shows us that despite all of the differences we sometimes have on both sides of the aisle, as some of my colleagues have already said, we can listen to our constituents; we can take their ideas; we can work in a bipartisan manner to improve the programs available to America's farmers and ranchers.

After hundreds of hours of discussion and deliberations, I believe we have achieved the strongest bill possible. I urge my colleagues to support this legislation in behalf of their constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2888

(Purpose: To express the sense of Congress regarding the Rally for Rural America and the rural crisis)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2888.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, strike lines 7 through 13 and insert the following:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON RALLY FOR RURAL AMERICA AND RURAL CRISIS.

(a) FINDINGS.—Congress finds that—

(1) on March 20–21, 2000, thousands of rural citizens, working families, and those representing the environmental and religious

communities traveled to Washington, D.C., to participate in the Rally for Rural America;

(2) a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity participated in organizing the Rally for Rural America;

(3) although the majority of America has reaped the benefits of the strong economy, rural Americans are facing their toughest times in recent memory;

(4) the record low prices on farms and ranches of the United States have rippled throughout rural America causing rural communities to face numerous challenges, including—

(A) a depressed farm economy;

(B) an escalation of mergers and acquisitions;

(C) a loss of businesses and jobs on rural main street;

(D) erosion of health care and education;

(E) a decline in infrastructure;

(F) a reduction of capital investments; and

(G) a loss of independent family farmers;

(5) the Rally for Rural America urged Congress to reform the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127) to formulate rural policies in a manner that will alleviate the agricultural price crisis, ensure fair and open markets, and encourage fair trade;

(6) thousands of rural citizens have advocated farm policies that include—

(A) a strong safety net for all agricultural producers;

(B) competitive markets;

(C) an investment in rural education and health care;

(D) protection of natural resources for the next generation;

(E) a safe and secure food supply;

(F) revitalization of our farm families and rural communities; and

(G) fair and equitable implementation of government programs;

(7) because agricultural commodity prices are so far below the costs of production, eventually family farmers will no longer be able to pay their bills or provide for their families;

(8) anti-competitive practices and concentration are a cause of concern for American agriculture;

(9) rural America needs a fair and well reasoned farm policy, not unpredictable and inequitable disaster payments;

(10) disaster payments do not provide for real, meaningful change; and

(11) the economic conditions and pressures in rural America require real change.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the participants in the Rally for Rural America are commended and their pleas have been heard; and

(2) Congress should respond with a clear and strong message to the participants and rural families that Congress is committed to giving the crisis in agriculture, and all of rural America, its full attention by reforming rural policies in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets;

(C) invest in rural education and health care;

(D) protect our natural resources for future generations; and

(E) ensure a safe and secure food supply for all.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 93, line 10, strike ''**SEC. 402.**'' and insert ''**SEC. 502.**''.

Mr. WELLSTONE. Mr. President, I thank my distinguished colleagues, the Senator from Kansas and the Senator from Nebraska, and I also thank the Senator from Indiana, for this legislation. I think this is a terribly important piece of legislation. I think this is good legislation. So I say to my colleague from Kansas, I thank him for his excellent piece of legislation.

Both Senator KERREY and I thank the chairman for having this legislation on the floor. It is substantive and important, and I thank him for his work.

Mr. ROBERTS. If the Senator will yield, I thank the distinguished Senator from Minnesota. I know we are going through a very difficult time in farm country. This is something we have tried to do for almost 20 years, and I think it is the strongest bill possible, and I thank him very much for his comments.

Mr. WELLSTONE. I thank the Senator for his work.

Mr. President, I want to go through this amendment. This is a sense-of-the-Congress resolution on the Rally for Rural America, the rally about the rural crisis that just took place in Washington, DC. Let me simply talk about what happened.

Starting Sunday night, we started out with a wonderful prayer service, an ecumenical service. It was nourishing. The church was packed here in the city just a few blocks away from the Senate. There were some beautiful words that were uttered, but in particular I remember one of the ministers. She said, ''We have taken the culture out of agriculture.'' I thought a lot about that. I think that is the reason why so many people came to the Nation's Capital, because for many of our family farmers this could very well be their last bus ride here.

We had from around the country, I don't want to exaggerate because that does not do justice to people, but I guess somewhere around 2,500, 3,000 people, many of them family farmers. From the State of Minnesota, we had close to 500 people here, most of them family farmers. I point out to my colleagues, this was an unusual gathering. This was a historic gathering. This is probably the most family farmers who have come to the Nation's Capital, I would say, in the last 20 or 25 years, at least from the State of Minnesota.

I want my colleagues to also know that most of these farmers came by bus. They did not come by jet. They didn't have the money to come by jet. They came by bus. Many of them are elderly. A good number of them came with their grandchildren. They came to Washington, DC, for two reasons.

First of all, they came to the Nation's Capital to try to have a conversation with America, to make sure people in the country know what is happening. I think one of the challenges for us is that, with all the news about the booming stock market and the booming economy, the vast majority of people in the country have not a clue what is happening to family farmers. I do not think they have a clue. This is a good country and we have a lot of good people in our country. We have good people in the Senate and the House. I hope, and I think the farmers really hope, this gathering in the Nation's Capital will bring out the goodness in us.

Right now what we have, and I am not even going to talk about all the statistics, record low income. We have record low prices. We have, as I said yesterday, many broken dreams and broken lives and broken families. I am talking about people who were good managers of the land. I am talking about people who work 19 hours a day. But the fact is—and I say this to my colleagues—time is not on the side of many family farmers in my State and many other States. They are simply going to go under. We are going to lose many of our producers. We could lose as many as another 2,000 family farmers in Minnesota this year.

People came to the Nation's Capital to say: We call upon you to respond to the needs, circumstances and concerns of our lives. What this sense of the Congress says is that the participants in the Rally for Rural America are commended and that their pleas have been heard.

I think people should be commended for coming from such a long distance away and sacrificing so much to be here. They would not have come here, except they are hoping we can make some changes that will help them and their families, not only family farmers but our rural communities.

The Congress should respond with a clear and strong message to the participants, rural families, that Congress is committed to giving the crisis in agriculture and all America its full attention by reforming rural policies in a manner that will: No. 1, alleviate the agricultural price crisis; No. 2, ensure competitive markets; No. 3, invest in rural education and health care; No. 4, protect our Nation's resources for future generations; and, No. 5, ensure a safe and secure food supply.

I say to my colleagues, I worded this in such a way that leaves plenty of room for different interpretations as to how to accomplish these goals. We do not all agree. I understand that.

The Senator from Indiana, the chairman of the committee, is someone—I have said it to my own family members, I have said it to people in Minnesota—for whom I have the most respect. It is the truth. I say it; I mean it. I would not say it to my own children if I did not mean it. We do not agree on the Freedom to Farm bill, which I call the Freedom to Fail bill. But this sense-of-the-Congress resolution is broad in its interpretation. It is

just an effort on my part, as a Senator from Minnesota, to say to all the people who came: I acknowledge the fact that you came. It is not as if you come here and we do not go to work to try to do something. This bill is an effort to try to respond.

But it is but only one piece. For my own part, I believe we must respond to the price crisis. People cannot—they will not —be able to survive right now unless there is some income stabilization, unless there is some safety net, unless there is some way they can have some leverage to get a decent price in the marketplace. That is the missing piece of Freedom to Farm or Freedom to Fail. Flexibility is good. But that has not worked, and I see it every day in every community that I am in. I do not want to just keep visiting with people and listening to good people and caring about good people without trying to get the Senate on record that we are going to take some action. That is part of what this resolution is about.

We can have the debate about what kind of changes we could make that would provide some real help for family farmers, that would enable family farmers to get a decent price, that would provide some income for families, what kind of steps we could take that will put some free enterprise back into the food industry and deal with all the concentration of power.

For my own part, I do think there is a very strong correlation between three and four firms dominating 60 to 70 percent of the market, and family farmers not getting a decent price. I find it puzzling. I find it more than puzzling. I find it to be an outrage that so many of our producers are facing extinction but the packers and the big grain companies are doing well—in some cases receiving record profits. The gap, the farm/retail spread grows wider and wider, and the gap between what people pay at the grocery store and what the farmers get for what they produce grows wider and wider.

I am saying we have to have more competitive markets. I am saying we want to make a commitment to sustainable agriculture.

I did not say in this resolution, although I think it is terribly important and I know Senator CONRAD would be the first one to talk about this, that we need to have a fair trade policy. More than anything else, I come to the floor of the Senate wanting to acknowledge the presence of close to 3,000 farmers and people from rural America. They were here yesterday in the pouring rain under a tent on the Capitol mall. People came to speak out for themselves. They came to meet with Representatives and Senators. They did not come because they have some party strategy. They did not come because they had a particular partisan orientation. They are thinking about their own families and their own communities.

I wish to say on the floor of the Senate, because I am lucky enough to get a chance to speak on the floor of the Senate and these farmers cannot speak on the floor of the Senate, there is an economic convulsion taking place in agriculture today.

Many wonderful people are being spit out of the economy. Too many lives are being shattered. The health and the vitality of our communities in rural North Dakota or Minnesota or any of the other heartland States is not based upon the number of acres farmed or the number of animals someone owns, but the number of family farmers who live in these communities.

Whether we are talking about dairy farmers or corn growers or wheat growers or livestock producers, it is an absolutely intolerable situation—a situation from which we cannot turn our gaze away.

For me to summarize, the findings talk about thousands of rural citizens and families and the religious communities coming to Washington to participate in the rally. The religious communities' voice was wonderful.

The findings talk about a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity that participated in organizing the Rally for Rural America. I thank the AFL–CIO for being here. I thank Bernie Brommer, the president of the Minnesota AFL–CIO, for being here. I thank Jerry Macaffey from AFSCME for speaking at the rally. I congratulate them for being here. The amendment makes the point that although the majority of America is reaping the benefits of a strong economy, rural America is facing the toughest times.

The findings in this amendment talk about the record low prices on the farms and the ranches, and the way in which they have rippled throughout rural America, causing rural communities to face all kinds of challenges: A depressed farm economy, an escalation of the mergers and the acquisitions, a loss of businesses and jobs on Main Street, an erosion of health care and education, a decline in infrastructure, and a loss of independent family farmers.

The purpose for this resolution: ''To express the sense of Congress regarding the Rally for Rural America and the rural crisis'' is to thank people for being here and to talk about and make it clear that we will, in fact, respond with a clear and strong message to the participants, that we are committed to dealing with this crisis, that we are committed to giving it our full attention, in a manner that will alleviate the agricultural price crisis, that will ensure competitive markets, that will lead to an investment in rural education and health care, protect our natural resources, and ensure a safe and secure food supply.

If, in fact, we continue to lose our producers, and if, in fact, we go the trend of an increasingly corporatized, industrialized agriculture, it will be a transition that our country will deeply regret.

I think this is very important for America. I tell you, my heart and soul goes out to the people who were here. I hope there will be good support for this sense-of-the-Senate amendment to this very good piece of legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time in opposition?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin by thanking the Senator from Kansas, Mr. ROBERTS; Senator KERREY from Nebraska; my colleague, Senator CONRAD from North Dakota, and others, for their excellent work in bringing this legislation to the floor of the Senate. It is my intention to support this legislation.

I also say that I think the sense-of-the-Senate resolution offered by the Senator from Minnesota, Mr. WELLSTONE, is certainly thoughtful and worthy of support, as well.

I, too, join him in saying to my colleague, Senator LUGAR, that I have always believed he is a major contributor to most every public debate in this Senate, especially on foreign policy, and a range of other things. But it is true, we disagree on farm policy from time to time. We recently had an exchange of letters about that disagreement. But that does not, in any way, diminish my respect for him as a leader and a legislator.

My fervent hope is at some point I could reach over and reach out to Senator LUGAR and convince him that we need to—tomorrow or Thursday—start a series of hearings and change the farm bill. But I do not expect that will be the case. He will certainly explain his position on these issues in an articulate way soon.

But let me describe some of my feelings about where we are. Let me start with this: I say to my friend from Minnesota, this morning for breakfast I had something called Cream of Wheat. I do not know how many servings of Cream of Wheat are served in America every morning or every year but a lot of them.

Cream of Wheat, if you want to know the origin of it, just for fun—I notice the Presiding Officer is hanging on my every word here—came from Grand Forks, ND, in the year 1893. A little old mill called the Diamond Mills was not doing very well. They had a scientist who was sort of moving around and trying to figure out what he could do with various parts of the grain. He used what are called the middlings of wheat, and he concocted what he called a ''breakfast porridge.''

So a man named Tom Amidon from Grand Forks, ND, in 1893, concocted what he called ''breakfast porridge'' with the middlings from wheat, and it is what is called Cream of Wheat. It is what I ate for breakfast this morning.

Cream of Wheat comes from the wheat fields in North Dakota and other places in the country. A farmer gases a tractor, buys the seed, plants the seed, and does all the work to produce this

wheat. Then it is ground up. Among that grinding you get some middlings. Somebody produces breakfast food with those middlings.

Cream of Wheat does not come from Grand Forks, ND, I must say with disappointment. Cream of Wheat is owned by Nabisco Company. It happens to be produced in my colleague's home State of Minnesota. The middlings, the wheat, the Cream of Wheat, the jobs, do not belong to the folks that gas the tractor and plant the seed and harvest the grain. No, that is not the way it works in agriculture.

Our farmers go out and plant a crop—corn, wheat, barley—and then someone comes along and buys it. They take a look at that kernel and say: You know what we ought to do. We ought to puff that up and then put it in a bright-colored box, and we will take that wheat and call it puffed wheat. Guess what that costs. Go to the grocery store and buy puffed wheat, puffed rice. They puff it; they shred it; they crisp it; they manipulate it in a hundred different ways and send it to the grocery store shelf in bright-colored boxes.

The farmer gets a pittance for that grain because the farmer is told that grain does not have any value anymore. At the grocery store shelf it costs a fortune because now it has been puffed. So the puff is apparently more valuable than the grain that is produced out of the ground from the tireless work of a family farmer.

That describes part of the problem in this system of ours. We had a couple thousand people come to town, as the Senator from Minnesota described. They are the ones who could afford to come. I am sure it was a struggle for many of them.

Folks from my State—400 of them—got on buses, seven buses. I think they will have traveled close to 6 days—they are still on a bus, I am sure—traveling to Washington and back to North Dakota.

The fellow from just west of Valley City would not have been among them because he stood up at a meeting I had some while ago, and his chin began to tremble, and he had tears in his eyes—a big, husky guy with a beard. He said his granddad farmed his farm; his dad farmed his farm; and he farmed it for 23 years. Then his chin began to tremble, and he said: But I can't do it anymore. I'm being forced off the farm.

You could see that for him it was not about dollars and cents; it was the loss of a dream—a broken heart and broken dreams. I am sure he did not come out here because he is not farming anymore and could not afford it. He is probably struggling, after 23 years on a farm, trying to find something else to do—another job to try to make some income.

He made a point, as so many farmers do, that he was a good farmer. He did not waste money. He did not go to town on weekend nights. He did not buy new clothes. He told the kids they could not afford a new pair of jeans for school because they did not have the money.

He said: This isn't my fault. Collapsed prices are not my fault. Bad trade agreements are not my fault. Monopolies that press their boots down on the chests of family farmers are not my fault.

He was right about that. He didn't cause these problems. Somewhere in the crevice between mathematics and virtue rests a blindness that somehow refuses to recognize value and values. We tend to think of all of this in the context of economics and numbers, not understanding, apparently, that family farmers produce something more than a crop.

Yes, a farmer produces wheat in the fields of North Dakota. That family living on a farm also produces a social product that most economists and most others believe has no value whatsoever in our country, a social product called community, called family values, called part of our culture that all of us understand, an environment that is good, a neighborhood that is free of crime, a lifestyle in which neighbors help one another.

When Ernest had a heart attack at harvest time in my hometown, his neighbors took the crop off the field. Why? Because they were competitors? No, because they were neighbors. That is a social product, but economists say it has no value.

The Europeans say it has value. In fact, in the trade negotiations between Europe and the United States, they say they want something called multifunctionality considered. Our trade people scratch their heads and say: What on Earth are you talking about, multifunctionality? The Europeans say: This is an important element of farming that you are missing when you just look at the hard numbers. What is missing is community, values, a certain culture we want to retain and sustain in our future. Our trade negotiators just can't understand that. They say: We don't understand that. This is all about dollars and cents. This is about markets.

My point is, family farms produce more than just grain. They produce something very important for this country. It is a social product that this country ought to want to retain and keep.

There are a series of things we must do to respond to the urgent needs of family farmers. We must repair a safety net that does not now provide the kind of assistance family farmers need when prices collapse. Family farmers can't make it across the valley when prices collapse without some kind of safety net to bridge that valley. That is No. 1.

No. 2, we must have better trade agreements. Family farmers cannot compete with one arm tied behind their backs. It is not fair. The Canadian trade agreement wasn't fair to our family farmers. It sold out family farmers' interests. I regret to say that, but I can bring data to the floor released yesterday that demonstrates that was the case.

NAFTA was unfair and GATT was unfair to our family farmers. I will be happy to come and speak at great length about that, but I won't today.

We must have a better safety net, better trade policies, and action against monopolies. Farmers ought not to have to market upstream when they are selling fat steers into a circumstance where just several companies control 80 percent of the steer slaughter. The same is true in every direction a farmer looks. If you want to put the grain on a railroad someplace, guess what. You will put your grain on a railroad that is a monopoly in most cases. The railroad will say to you: Here is what we charge. If you don't like it, tough luck.

Just as an example, if you have a carload of wheat in Bismarck, ND, and you will ship to Minneapolis, you will be charged $2,300 to ship it from Bismarck to Minneapolis. Ship the same carload of wheat from Minneapolis to Chicago, about the same distance, and you are charged $1,000. Why are North Dakota farmers charged more than double to ship a carload of wheat about the same distance? Because there is no competition in North Dakota on that line. Between Minneapolis and Chicago, there is. That is called monopoly pricing, and it is unfair to family farmers.

The fourth thing we need to do is fix crop insurance. That is what this does. That is why I am here supporting it. I know that is a long introduction to get to my support. I will be very brief to say that I think this legislation has a lot to commend itself to the Senate. This is a good piece of legislation—perfect, no, but good.

Here is what it does. It makes crop insurance more affordable at buy-up coverage levels that are most useful to farmers. It addresses the problem of multiyear losses, which has been a very difficult problem for North Dakota farmers, and their impact on insurance coverages. It makes an important financial commitment to crop insurance expansion, research and development, education and outreach—issues that are particularly important to specialty crop communities. It authorizes a pilot program for livestock. It improves the Noninsured Crop Disaster Assistance Program.

This is a good bill. I know my colleagues have struggled mightily to produce this legislation. This bill comes to the floor with bipartisan support, Republicans and Democrats supporting it. I am pleased to support it and to commend all those who have helped bring this to the floor and who will support it in the Senate. It is but one step in a series of steps we must take to try to give family farmers some help.

Those 400 North Dakotans who are on 7 buses now on the highways going back to North Dakota could well have

been elsewhere this week. In most cases, in ordinary years, they would have been in the machine shed and they would have been working on their tractor, working on their farm equipment, repairing, replacing, renovating, greasing, changing the oil, getting all ready for spring. That is what farmers do. Farmers only can farm if they have hope. In most cases, these families live out on the farmsteads because they love that way of life.

The only way any of us could understand this is if we were to take our income each year. We have a salary in the Senate; we know what we are going to get each month. Wouldn't it be interesting if all Members of the Senate could let their income rest on certain things that are outside their control and have no certainty of income. Perhaps let your income rest on the question of whether it rains enough or too much, whether insects come to the Midwest, whether crop disease surfaces, whether there is a hail cloud that shows up or a funnel cloud that shows up in late August before harvest. If perhaps if we had that risk of income, we would be able to understand better, as all Members of the Senate, what family farmers face.

It is a very unusual, risky proposition that family farmers face every single year, with many elements in the determination of what kind of income they get that are completely outside of their control. That is why this is different. The enterprise of farming is different. Thomas Jefferson said it in words I cannot nearly match. But family farming is different. It is critically important to the future of this country. It is much more than just economics, finance, or math. It is a social product produced on our family farms in this country that contributes mightily to the character of this country as well. That is why this is an important piece of legislation. I hope it is but a first small step in a journey we can make together to improve the opportunities for family farmers in our country.

I think the amendment offered by my colleague from Minnesota, which is a sense-of-the-Senate amendment commending those who came to Washington, DC, this week, is an appropriate amendment. I hope the Senate will agree to that amendment as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from North Dakota.

I do want to point out that there are two parts to this sense-of-the-Senate amendment. One part is to thank the farmers and others for being here. The second part is to put us on record and say we will respond and, in particular, we will respond to the price crisis. We are going to talk about how to ensure competitive markets. For my part, I think that means strong antitrust action. We are going to invest. We are going to understand that in the discussion about education and health care—these are rural issues as well—we are talking about sustainable agriculture. We will make a commitment to responding.

This is only a sense-of-the-Senate amendment. However, I don't view it as just being symbolic. I think it would be great to have a strong vote. I want it to be a bipartisan vote. I would love to see us work on the additional pieces Senator DORGAN and I have talked about together, as Democrats and Republicans. I pray—I don't use that word very often on the floor of the Senate—that we will make some changes so our producers, our family farmers, will have a fighting chance to earn a decent living so they can give their children the care they know they need and deserve.

This is thanking these farmers, but it is also putting the Senate on record that we, in fact, are going to respond. That is the second part. That is an important part.

Yes, it is just a sense of the Senate, but I will be coming back over and over again talking about the sense of the Senate with my own ideas about how we can make a difference. Other Senators may have different ideas. I just want us to address it. I don't want us to put family farmers in Minnesota or North Dakota or Indiana, or anywhere, in parentheses or in brackets and act as though this isn't happening.

I don't want us to turn our gaze away from them. I don't want there to be an inaction. That is the why of this.

Mr. DORGAN. If the Senator will yield, I didn't realize I was speaking on Senator WELLSTONE's time. I ask the chairman if the Senator needs more time, I am sure he will be accommodating. I appreciate the generous opportunity.

Mr. WELLSTONE. I was very pleased to have the Senator speak.

The PRESIDING OFFICER. The time has expired.

The Senator from Indiana.

Mr. LUGAR. Mr. President, let me say that I appreciate very much the words of the Senator from Minnesota. I think his tribute to the farmers who came is certainly appropriate and very moving. The Senator has obviously worked to make certain that meeting was constructively successful. I assure the Senator that the voices in the meeting have been heard and, clearly, we were prepared to move on this legislation. But it is a part of the action that we must take to provide a stronger safety net. I feel that we will do so today. I am confident we will move this bill appropriately.

Very clearly, there is much more we need to do. I say to the Senator from Minnesota and my colleague from North Dakota that I know from the income on my own farm last year that it was down. It was down the year before from the year before that. I suspect I am one of the few Members who keeps the books, who tries to settle with the family members. I understand prices and difficulties. I am looking at this from the standpoint of a 604-acre farm, and that is not untypical of many farms in my State and the Senator's State. Our problems are profound but not beyond solution. I look forward to working with the Senator.

At this moment, I am prepared to say on our side we accept the amendment, and we certainly want to see it approved by acclamation. Before I make a further comment on that, may I take a moment to say that I am hopeful that the distinguished Senator from Massachusetts, Mr. KENNEDY, is approaching the floor, and likewise, the Senator from Wisconsin, Mr. KOHL, who have statements or amendments for which time has been provided, so we might proceed.

I have received word from the majority leader that he proposes that any rollcall votes that might occur with reference to this legislation happen tomorrow morning. At some point, he will be offering a unanimous consent request or make an announcement that would be appropriate on that point. So I am hopeful we will have further debate soon. But for the moment I commend the Senator and I indicate support on our side. I hope his amendment will be taken by acclamation and with praise.

Mr. WELLSTONE. Mr. President, if I may respond to my colleague for a moment, first of all, I thank him for the words. I will ask for the yeas and nays. I do want to have a vote on this amendment. My request will be if the majority leader wants to do it tomorrow—I was trying to come out and help facilitate this—I wonder whether or not we could at least have 2 minutes to summarize before the vote. I hope that will be the case.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I ask that the vote on the amendment be postponed until tomorrow. My understanding is that the majority leader will be prepared to add provisions for the debate the Senator has suggested—perhaps 2 minutes to a side—and I will offer assurance to the Senator that I will make that recommendation to the leader.

Mr. WELLSTONE. Mr. President, the Senator's word is good enough for me.

Mr. LUGAR. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, I have been advised that in our colloquy obtaining unanimous consent we indicated that additional language from

Senators LEAHY, TORRICELLI, SCHUMER, ROCKEFELLER, REED, and KENNEDY would be made part of the managers' amendment. Apparently, some further editorial work needs to be done to incorporate that language in the managers' amendment. I ask unanimous consent that we have an opportunity and the right to add the language that fulfills the obligation we made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. This will tidy up the housekeeping regarding the managers' amendment.

I mention for the record, according to the Congressional Budget Office, the managers' amendment before us brings the crop insurance bill into compliance with the budget resolution in that spending in the bill is below $6 billion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 2270 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RISK MANAGEMENT FOR THE 21ST CENTURY—Continued

Mr. KENNEDY. Mr. President, I support this legislation. The crop insurance bill before us today provides $1.5 billion over each of the next 4 years to support the Nation's farmers, and they clearly deserve this assistance. Hardworking farmers across the Nation deserve to live with dignity. Federal assistance is justified to protect them when the harsh weather destroys their crops or volatile markets undervalue their produce.

I hope in the coming weeks the Senate will also have an opportunity to address a related urgent need. I am talking about hunger and the inadequacy of the current Food Stamp Program. The problem is that the program's reach in curbing hunger among working families has weakened over time. It is unacceptable for children and working families to go hungry in America today. The latest research is clear, and it calls for our urgent action.

The General Accounting Office reports that ''children's participation in the Food Stamp Program has dropped more sharply than the number of children living in poverty, indicating a growing gap between need and assistance.''

Census and state food stamp data show that between 1995 and 1998, while the number of poor people fell by almost 2 million, the number of food stamp beneficiaries fell by over 7 million, leaving millions more poor people without food stamps.

The Department of Agriculture reports that 10.5 million U.S. households experienced some degree of food insecurity in 1998, and 1 or more people went hungry in 3.7 million of these households.

The Tufts University Center on Hunger and Poverty in Massachusetts reports that a third of children living in immigrant households with food stamp cuts were experiencing moderate to severe hunger.

With Project Bread in Massachusetts, the Center on Hunger and Poverty also coauthored an extraordinary study of Child Hunger in Massachusetts about a year ago. It was cosponsored by Ralph Martin, who was a Republican district attorney in Suffolk County, and Congressman Joseph Kennedy. They did extensive studies in Massachusetts in a wide variety of communities—some of our older cities, some of our more prosperous cities with pockets of extraordinary poverty, and then in a number of the rural areas. It is an absolutely superb report. Rather than putting the whole report in the RECORD, I will raise it throughout the discussions of hunger to come. Dr. Larry Brown directs the Center on Hunger and Poverty, and as I think most of us who have worked on the hunger issue over the years know, he has had an extraordinary career, been an invaluable resource for this Nation in terms of finding hunger and being constructive and positive in helping us deal with that issue in a constructive way.

One in five American children is poor in today's America. The Center on Budget and Policy Priorities reports that while the total number of children who are poor has declined, the intensity of poverty among those children who are left behind has increased, and one of the reasons poor children are poorer is that their access to food stamps is diminishing.

The U.S. Conference of Mayors reports that demand for emergency food assistance increased 18 percent during 1999. This is the largest increase since 1992. Limited resources meant that 21 percent of requests for food were unmet. In addition, 67 percent of the adults requesting emergency food assistance in the Nation's cities were employed.

Especially in this time of recent economic prosperity and record budget surpluses, we must do more to protect working families across the Nation who need food. America's farmers have a long and proud tradition of service to the Nation, and their hard work produces an abundance of foodstuffs. Surely we can ensure that this abundance is used in a way that no one in America goes hungry.

I know the issue of hunger is of deep concern to the chairman and the ranking member of the Agriculture Committee, who oversee the Nation's antihunger efforts. For $500 million a year, we could provide modest hunger relief for low-income families. These additional resources should be allocated to the Food Stamp Program, as bipartisan coalitions in both the House and the Senate have proposed in the Hunger Relief Act that many of us support.

Our proposal makes four long overdue improvements in the Food Stamp Program. It authorizes States to use their own TANF rules to determine which vehicles families may own to get to work themselves and safely transport their children to school—enormously important, a very modest recommendation, but very important.

Second, for families forced to spend over 50 percent of income on shelter, it increases the present shelter deduction and indexes it to inflation—incredibly important. The cost of housing, particularly in the older communities, has gone right up through the roof and because the shelter deduction is capped, families who must pay high shelter costs are helped less and less by the Food Stamp Program. This is a very modest recommendation to increase the cap and index it to inflation.

Third, the bill restores eligibility to vulnerable legal immigrants. We all know the history in terms of the moving of immigrants off the Food Stamp Program as part of welfare reform. I never believed it made a great deal of sense at that time, nor do I think it still makes a great deal of sense. We have been trying to work for restoration of food stamp benefits to legal immigrants since they were imposed.

Legal immigrants are going to be American citizens. They are people who have abided by the rules in order to come here. The reason they have immigrated is primarily because they have members of their families who are here. That is the overwhelming reason for it. So they are going to be American citizens. To deprive people, particularly children—although we made limited progress in that in recent years—who are otherwise going to be American citizens never seemed, to me, to be a wise policy. We seek appropriate restoration in this legislation.

It also increases Federal support for emergency food pantries and soup kitchens. I think the excellent research from the Conference of Mayors is a powerful justification for those modest recommendations.

The Congressional Budget Office estimates together these steps will cost about $2.5 billion over 5 years, benefiting over a million children and working adults. Nearly 1,200 national, State, and local organizations, representing concerned citizens in all 50 States, have urged Congress to pass the legislation.

I hope we can enact this important hunger relief measure this year. Families living in hunger across the country need and deserve our help. I am hopeful

that the Budget Committee will create a reserve fund dedicated to hunger relief. Next, I hope that the Agriculture Committee will apply its expertise to the work we have begun and report this legislation.

Again, I thank Senator LUGAR, who has been a leader in the Agriculture Committee, and has also been a leader on this concern, as well as working with us on this issue historically, and our good friend, Senator HARKIN from Iowa. Senator SPECTER has been a leader, as well. I thank Senator LEAHY and Senator JEFFORDS and Senator DASCHLE, all who are strong supporters. We have a number of our colleagues who are cosponsors. But all of them have had long careers on the issue of hunger in America. We are grateful for their continued interest and support.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Indiana.

Mr. LUGAR. Mr. President, let me simply respond quickly to the very specific points the distinguished Senator has made. Hunger relief continues to be a top priority for the Agriculture Committee. That will always be the case.

One priority should be that States should have the flexibility they need to determine how vehicles are counted under the Food Stamp Program since States know best about the transportation needs of the families. The Senator has mentioned that is one of the points he has. We strongly commend that idea. We look forward to working with the Senator and with others.

I wish to take advantage of this opportunity simply to say that in my own State of Indiana I have been visiting food banks, four very substantial efforts in Indianapolis, Fort Wayne, Evansville, and in Lewisville, serving nine Indiana counties.

The reason for my doing that is that the demands for food from these food banks and from the food pantries that they serve have increased very substantially during the last year. This is counterintuitive to many Americans, but not to the Senator from Massachusetts who has highlighted that in his remarks today.

In part, it comes because of a transition from welfare to work. A number of individual Americans—and a 7–State survey pointed out—these individuals have, in fact, accepted jobs. A majority of those who were on welfare rolls in Indiana have moved into jobs. But for most of these people, the incomes, on an annual basis, are somewhere in the neighborhood of $10,000 to $15,000.

Many have substantial families. They have moved from welfare but not out of poverty. The survey found that 50 percent of these families had extended families. They went, as we would, to their kinfolk. They were able to gain food during desperate periods. The other half essentially went to food banks; thus the increased demand.

I have offered a modest piece of legislation, which the Finance Committee is now considering—I hope they will consider it carefully—that further codifies the tax exemption given to companies that already are given an exemption for food contributed to food banks but extends that to partnerships or proprietorships, to individual entrepreneurs, restaurants and others, as well as to farmers and ranchers, many of whom make these generous contributions now. It is in recognition of a very substantial need. There has been great support, at least in my State, for meeting the needs of those who have them.

Clearly, reforms of the Food Stamp Program are very important in the same regard and for the same reason—the many Americans who face problems of hunger. The Senator is certainly correct; the distribution problem, the equity problems, are profound. But those are ones we must deal with, and I thank the Senator for taking the floor today for this important colloquy.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments and for his energy in visiting these distribution centers himself.

I will put in the RECORD some of the findings in a number of the distribution places in Massachusetts, with the increasing escalation of families who are receiving the benefits of these foods and increasing numbers of children, and that the total ages have gone down extensively as well. It is a very powerful and moving commentary about what is happening.

I agree with the Senator, at a time when we all remind ourselves every day about how strong this economy is and the significant economic progress we have made, all of that is very true, but there are a number of people in our country who are facing significant deprivation in the area of food. We want to see what can be done to try to provide some relief. We will work closely with the committee and with the chairman. I am grateful to him.

Mr. LUGAR. I fully agree with my friend from Massachusetts that hunger relief needs to be a top priority for the Agriculture Committee, and resources should be found to address the problem. I am especially concerned that states have the flexibility they need to determine how vehicles are counted under the Food Stamp Program, since states know best what transportation families need to work and to safely transport their children.

Mr. HARKIN. I look forward to working with my good friend from Indiana and Massachusetts to pass strong hunger relief legislation this year. In my work on the Agriculture Committee, the Agriculture Appropriations Subcommittee, and the Labor, HHS, and Education Appropriations Subcommittee, I have been dismayed not only to see the reports of increasing hunger among children and working families that Senator KENNEDY describes, but also to hear scientists explain how inadequate nutrition limits children's ability to learn at school and adults' ability to concentrate at work. I join my colleagues in urging the Budget Committee to report a resolution that includes a reserve fund of $2.5 billion over five years to alleviate hunger in America.

Mr. SPECTER. I decided to join my friend from Massachusetts in introducing the Hunger Relief Act after carefully reviewing the evidence of persisting hunger in Pennsylvania and the U.S., and after extensive consultations with local leaders who are working under enormous strains to meet growing needs. As chairman of the appropriations subcommittee that covers education and labor programs, I share the concern expressed by my friend from Iowa that our education, health, and workforce improvement efforts are threatened by unmet needs for nutritional assistance. I too hope that the Budget Committee responds to the needs that our hunger relief legislation addresses, by including a reserve fund of $2.5 billion over five years.

Mr. KENNEDY. My good friend from Pennsylvania makes an excellent point about investigating hunger in his state. He has shown impressive leadership throughout our deliberations on hunger during this Congress, and helped hone our proposal to target the most urgent needs. From my many discussions with Senator SPECTER, I know that he has carefully investigated the hardships faced by his constituents in Pennsylvania. I urge every Senator in this Chamber to follow his example. In Massachusetts:

An eleven-year-old child in Brighton reported to investigators last year that ''Sometimes I'm really hungry. Sometimes I have nothing to eat but Cheerios and milk. . . . I wake up and I can't go back to sleep because I have stomach pain. Then I wake up in the morning and I feel sick. I wish that every time we need food, we just had it in the fridge.''

A mother in Springfield worried, ''Should my kids sit in the dark or should they go hungry? One of my kids has multiple handicaps, so I have to pay the utility bills to have heat and light. But, then we have no food.''

A 12-year-old youngster in Dorchester reports, ''When I'm hungry I feel like I'm dying. I eat ice because it fills me up with water. . . . When I don't eat, in school I get sleepy and bored.''

When I looked at studies conducted throughout the Commonwealth of Massachusetts, I found that 35 percent of Massachusetts food bank and soup kitchen clients are under 18 years old. Moreover, 63 percent of Massachusetts community food providers have reported an increase in demand for food aid in the last year, with 49 percent of programs noting an increase in demand among families with children. This evidence of ongoing urgent needs is inconsistent with the fact that 118,000 people

in Massachusetts left food stamp roles in the three years preceding September 1998 even though during this time the number of people living in poverty increased by 50,000. I think that if any Senator conducts a similar review of the data, unfortunately a similar picture will emerge.

Mr. LEAHY. The needs described so well by my colleagues are pervasive, urgent, and fully within our means to address. Hunger has a cure. As ranking member of the Agriculture Subcommittee on Research, Nutrition, and General Legislation, I will do all I can to pass the Hunger Relief Act this year. I respectfully and insistently ask the Budget Committee to cooperate in creating a $2.5 billion reserve for this purpose.

Mr. JEFFORDS. Hunger in this time of prosperity should not be tolerated by people of any party affiliation. The American people overwhelmingly support hunger relief efforts, and many of them volunteer their time and resources to help in their communities. I'm encouraged that the groundwork for modest hunger relief has been laid entirely in a bipartisan spirit, and should continue this way through passage of legislation that the experts on the Agriculture Committee have perfected. I join my colleagues from both sides of the aisle in inviting the Budget Committee to preserve this spirit as it reserves $2.5 billion over five years for hunger relief legislation. This will produce a significant bipartisan, moderate accomplishment this session for people in obvious need.

Mr. DASCHLE. In this time of instant millionaires, it's easy to close our eyes to the fact that people, particularly children, go hungry in this country. But hunger is a fact and it's a national tragedy. It's particularly troubling that many working families find themselves short of food.

When Congress enacted welfare reform in 1996, we worked to ensure that families would have the support they need to get off welfare. Food stamps are a critical part of that support. Yet food stamp enrollment has declined more rapidly than the poverty data would suggest is warranted.

The policies we are talking about today are urgently needed to reduce hunger in this country, particularly in working families that need extra help as they work to become self-sufficient.

I commend the Senators who have spoken today for their efforts to address the serious problem of hunger in America. A number of us met recently with Secretary Glickman to discuss this issue. I look forward to working with them to enact hunger relief legislation this year and urge the Budget Committee to reserve $2.5 billion for this effort.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Massachusetts for that colloquy.

In completing at least the unanimous consent list of amendments, the distinguished Senator from Wisconsin, Mr. KOHL, has offered an amendment which is in the form of language he has presented to me. I ask unanimous consent that the Kohl amendment be made a part of the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I further ask unanimous consent that Senator GRAMS of Minnesota be added as a cosponsor to the Kohl amendment which is now part of the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Managers' amendment (No. 2887), as modified, is as follows:

On page 2, strike the table of contents and insert the following:

Sec. 1. Short title; table of contents.
TITLE I—CROP INSURANCE COVERAGE
Sec. 101. Quality adjustment.
Sec. 102. Prevented planting.
Sec. 103. Payment of portion of premium by Corporation.
Sec. 104. Assigned yields.
Sec. 105. Multiyear disaster actual production history adjustment.
Sec. 106. Noninsured crop disaster assistance program.
Sec. 107. Crop insurance coverage for rice.
TITLE II—RESEARCH AND PILOT PROGRAMS
Sec. 201. Research and pilot programs.
Sec. 202. Research and development contracting authority.
Sec. 203. Choice of risk management options.
Sec. 204. Risk management innovation and competition pilot program.
Sec. 205. Education and research.
Sec. 206. Conforming amendments.
TITLE III—ADMINISTRATION
Sec. 301. Board of Directors of Corporation.
Sec. 302. Good farming practices.
Sec. 303. Sanctions for program noncompliance and fraud.
Sec. 304. Oversight of agents and loss adjusters.
Sec. 305. Adequate coverage for States.
Sec. 306. Records and reporting.
Sec. 307. Fees for plans of insurance.
Sec. 308. Limitation on double insurance.
Sec. 309. Specialty crops.
Sec. 310. Federal Crop Insurance Improvement Commission.
Sec. 311. Highly erodible land and wetland conservation.
Sec. 312. Projected loss ratio.
Sec. 313. Compliance with State licensing requirements.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Improved risk management education.
Sec. 402. Sense of the Senate regarding the Federal crop insurance program.
TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY
Sec. 501. Effective dates.
Sec. 502. Termination of authority.

On page 7, strike lines 13 through 15 and insert the following:

''(F) CROP YEARS.—This paragraph shall apply to each of the 2001 through 2004 crop years.''.

On page 10, line 2, strike ''or greater than 75 percent'' and insert ''75, 80, or 85 percent''.

On page 13, line 5, strike ''or greater than''.

On page 13, strike lines 20 through 22 and insert the following:

''(F) In the case of additional coverage equal to 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

''(i) 38 percent of the amount of the premium established for coverage at 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

''(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

''(G) In the case of additional coverage equal to 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

''(i) 28 percent of the amount of the premium established for coverage at 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

''(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

''(H) Subparagraphs (A) through (G) shall apply to each of fiscal years 2001 through 2004.''.

On page 23, after line 25, add the following:

SEC. 107. CROP INSURANCE COVERAGE FOR RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102(a)) is amended by adding at the end the following:

''(8) SPECIAL PROVISIONS FOR RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crop of rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.''.

On page 25, line 13, strike ''and''.

On page 25, line 15 after ''livestock'' insert ''and livestock products''.

On page 25, line 15, strike the period at the end and insert a semicolon.

On page 25, between lines 15 and 16, insert the following:

''(H) subject to paragraph (7), after October 1, 2000, salmon; and

''(I) subject to paragraph (7), after October 1, 2000, loss of or damage to trees or fruit affected by plum pox virus (commonly known as 'sharka'), including quarantined trees or fruit.

On page 27, line 2, strike ''$20,000,000'' and insert ''$10,000,000''.

On page 27, line 4, strike ''$40,000,000'' and insert ''$30,000,000''.

On page 27, line 6, strike ''$60,000,000'' and insert ''$50,000,000''.

On page 27, line 8, strike ''$80,000,000'' and insert ''$60,000,000''.

On page 27, line 10, insert ''(3)(H),'' after ''(3)(G),''.

On page 32, line 17, strike ''and''.

On page 32, line 20, strike the period and insert ''; and''.

On page 32, between lines 20 and 21, insert the following:

''(IV) results in not less than 15 percent of payments being made to producers in States in which—

''(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

''(ii) the Secretary of Agriculture determines that the stateis underserved by federal crop insurance.''.

On page 41, line 17, strike ''516(b)(2)(C)'' and insert ''516(a)(2)(C)''.

On page 44, strike line 19 and insert the following:

period at the end and inserting ''; and''; and

On page 45, strike line 2 and insert the following:

fiscal year.''.

On page 45, strike line 3 and insert the following:

SEC. 204. RISK MANAGEMENT INNOVATION AND COMPETITION PILOT PROGRAM.

Section 522 of the Federal Crop Insurance Act (as amended by section 203(a)) is amended by adding at the end the following:

''(d) RISK MANAGEMENT INNOVATION AND COMPETITION.—

''(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine what incentives are necessary to encourage approved insurance providers to—

''(A) develop and offer innovative risk management products to producers;

''(B) rate premiums for risk management products; and

''(C) competitively market the risk management products.

''(2) ESTABLISHMENT.—

''(A) IN GENERAL.—The Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board risk management products involving—

''(i) loss of yield or revenue insurance coverage for 1 or more commodities (including commodities that are not insurable under this title as of the date of enactment of this section, but excluding livestock);

''(ii) rates of premium for the risk management product; or

''(iii) underwriting systems for the risk management product.

''(B) SUBMISSION TO BOARD.—The Board shall review and approve a risk management product before the risk management product may be marketed under this subsection.

''(C) DETERMINATION BY BOARD.—The Board may approve a risk management product for subsidy and reinsurance under this title if the Board determines that—

''(i) the interests of producers of commodities are adequately protected by the risk management product;

''(ii) premium rates charged to producers are actuarially appropriate (within the meaning of section 508(h)(3)(E));

''(iii) the underwriting system of the risk management product is appropriate and adequate;

''(iv) the proposed risk management product is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

''(v) the size of the proposed pilot area is adequate;

''(vi) insurance protection against the risk covered by the proposed risk management product is not generally available from private plans of insurance that are not covered by this title; and

''(vii) such other requirements of this title as the Board determines should apply to the risk management product are met.

''(D) CONFIDENTIALITY.—

''(i) IN GENERAL.—All information concerning a risk management product shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

''(ii) STANDARD.—If information concerning a risk management product of an approved insurance provider could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

''(3) MARKETING OF RISK MANAGEMENT PRODUCTS.—

''(A) DEFINITION OF ORIGINAL PROVIDER.—In this paragraph, the term 'original provider' means an approved insurance provider that submits a risk management product to the Board for approval under paragraph (2).

''(B) AUTHORITY TO MARKET.—If the Board approves a risk management product under paragraph (2), subject to subparagraph (C), only the original provider may market the risk management product.

''(C) FEE.—

''(i) IN GENERAL.—An approved insurance provider (other than the original provider) that desires to market a risk management product shall pay a fee to the original provider for the right to market the risk management product.

''(ii) AMOUNT.—The original provider shall determine the amount of the fee under clause (i).''.

SEC. 205. EDUCATION AND RESEARCH.

Section 522 of the Federal Crop Insurance Act (as amended by section 204) is amended by adding at the end the following:

''(e) EDUCATION AND RESEARCH.—

''(1) IN GENERAL.—The Corporation shall establish the programs described in paragraphs (2) and (3), respectively, for the 2001–2004 fiscal years, not to exceed the funding limitations established in paragraph (4).

''(2) EDUCATION AND INFORMATION.—The Corporation shall establish a program of education and information for States in which—

''(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

''(ii) the Secretary of Agriculture determines that the state is underserved by federal crop insurance.

''(3) RESEARCH AND DEVELOPMENT.—The Corporation shall establish a program of research and development to develop new approaches to increasing participation in States in which—

''(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

''(ii) the Secretary of Agriculture determines that the state is underserved by federal crop insurance.

''(4) FUNDING.—The following amounts shall be transferred from funds made available in section 516(a)(2)(C) for the Choice of Risk Management Options pilot program—

''(A) for the Education, Information and Insurance Provider Recruitment program in paragraph (2), $10,000,000 for each of fiscal years 2001 through 2004.

''(B) for the Research and Development program in paragraph (3) $5,000,000 for each of fiscal years 2001–2004.''.

SEC. 206. CONFORMING AMENDMENTS.

On page 65, line 23, strike ''section 102(a)'' and insert ''section 107''.

On page 65, line 25, strike ''(8)'' and insert ''(9)''.

On page 72, lines 18 and 19, strike ''section 204(a)(2)'' and insert ''section 206(a)(2)''.

On page 77, strike lines 1 through 7 and insert the following:

''(2) PURCHASE DURING INSURANCE PERIOD.—A producer of a specialty crop may purchase new coverage or increase coverage levels for the specialty crop at any time during the insurance period, subject to a 30-day waiting period and an inspection by the insurance provider to verify acceptability by the insurance provider, if the Corporation determines that the risk associated with the crop can be adequately rated.

On page 79, strike line 8 and all that follows through page 91, line 11, and insert the following:

SEC. 310. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended to read as follows:

''SEC. 515. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

''(a) DEFINITIONS.—In this section:

''(1) COMMISSION.—The term 'Commission' means the Federal Crop Insurance Improvement Commission established by subsection (b).

''(b) ESTABLISHMENT OF COMMISSION.—There is established a Commission to be known as the 'Federal Crop Insurance Improvement Commission'.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Commission shall be composed of the following 13 members:

''(A) The Under Secretary for Farm and Foreign Agricultural Services of the Department.

''(B) The manager of the Corporation.

''(C) The Chief Economist of the Department or a person appointed by the Chief Economist.

''(D) An employee of the Office of Management and Budget, appointed by the Director of the Office of Management and Budget.

''(E) A representative of the National Association of Insurance Commissioners, experienced in insurance regulation, appointed by the Secretary.

''(F) Representatives of 4 approved insurance providers or related organizations that provide advisory or analytical support to the crop insurance industry, appointed by the Secretary.

''(G) 2 agricultural economists from academia, appointed by the Secretary.

''(H) 2 representatives of major farm organizations and farmer-owned cooperatives, appointed by the Secretary.

''(2) TIME OF APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of the Risk Management for the 21st Century Act.

''(3) TERM.—A member of the Commission shall serve for the life of the Commission.

''(d) DUTIES.—The Commission shall review and make recommendations concerning the following issues:

''(1) The extent to which approved insurance providers should bear the risk of loss for federally subsidized crop insurance.

''(2) Whether the Corporation should—

''(A) continue to provide financial assistance for the benefit of agricultural producers by reinsuring coverage written by approved insurance providers; or

''(B) provide assistance in another form, such as by acting as an excess insurer.

''(3) The extent to which development of new insurance products should be undertaken by the private sector, and how to encourage such development.

''(4) How to focus research and development of new insurance products to include the development of—

''(A) new types of products such as combined area and yield and whole farm revenue coverages; and

''(B) insurance products for specialty crops.

''(5) The use by the Corporation of private sector resources under section 507(c).

''(6) The progress of the Corporation in reducing administrative and operating costs of approved insurance providers under section 508(k)(5).

''(7) The identification of methods, and of organizational, statutory, and structural changes, to enhance and improve—

''(A) delivery of reasonably priced crop insurance products to agricultural producers;

''(B) loss adjustment procedures;

''(C) good farming practices;

''(D) the establishment of premiums; and

''(E) compliance with this title (including regulations issued under this title, the terms and conditions of insurance coverage, and adjustments of losses).

''(e) COMMISSION OPERATIONS.—

''(1) CHAIRPERSON; VOTING.—The Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture shall—

''(A) serve as Chairperson of the Commission; and

''(B) vote in the case of a tie.

''(2) MEETINGS.—The Commission shall meet regularly, but not less than 6 times per year.

''(3) DISCLOSURE.—To the extent that the records, papers, or other documents received, prepared, or maintained by the Commission are subject to public disclosure, the documents shall be available for public inspection and copying at the Office of Risk Management.

''(f) FINAL REPORT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Risk Management for the 21st Century Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report on the review under subsection (d).

''(2) COPIES.—The Commission shall provide copies of the final report to—

''(A) the Secretary; and

''(B) the Board.

''(3) INTERIM REPORTS.—To expedite completion of the work of the Commission, the Commission may submit 1 or more interim reports or reports on 1 or more of the issues to be reviewed.

''(g) TERMINATION.—The Commission shall terminate on the earlier of—

''(1) 60 days after the date on which the Commission submits the final report under subsection (f); or

''(2) September 30, 2004.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

On page 92, strike lines 7 through 13 and insert the following:

SEC. 312. PROJECTED LOSS RATIO.

Section 506(o) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)) is amended by striking paragraph (2) and inserting the following:

''(2) PROJECTED LOSS RATIO.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve—

''(A) during the period beginning on October 1, 1998, and ending with the 2001 crop year, an overall projected loss ratio of not greater than 1.075; and

''(B) beginning with the 2002 crop year, an overall projected loss ratio of not greater than 1.0.''.

SEC. 313. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 206(a)(1)) is amended by adding at the end the following:

''(n) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—Any person that sells or solicits the purchase of a policy or plan of insurance or adjusts losses under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State, and shall comply with all State regulation of such sales and solicitation activities (including commission and anti-rebating regulations), as required by the appropriate insurance regulator of the State in accordance with the relevant insurance laws of the State.''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. IMPROVED RISK MANAGEMENT EDUCATION.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

''SEC. 409. IMPROVED RISK MANAGEMENT EDUCATION FOR AGRICULTURAL PRODUCERS.

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'Center' means a Risk Management Education Coordinating Center established under subsection (c)(1).

''(2) LAND-GRANT COLLEGE.—The term 'land-grant college' means any 1862 Institution, 1890 Institution, or 1994 Institution.

''(b) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program to improve the risk management skills of agricultural producers, including the owners and operators of small farms, limited resource producers, and other targeted audiences, to make informed risk management decisions.

''(2) PURPOSE.—The program shall be designed to assist a producer to develop the skills necessary—

''(A) to understand the financial health and capability of the producer's operation to withstand price fluctuations, adverse weather, environmental impacts, diseases, family crises, and other risks;

''(B) to understand marketing alternatives, how various commodity markets work, the use of crop insurance products, and the price risk inherent in various markets; and

''(C) to understand legal, governmental, environmental, and human resource issues that impact the producer's operation.

''(c) COORDINATING CENTERS.—

''(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a Risk Management Education Coordinating Center in each of 5 regions of the United States (as determined by the Secretary) to administer and coordinate the provision of risk management education to producers and their families under the program in that region.

''(2) SITE SELECTION.—

''(A) IN GENERAL.—The Secretary shall locate the Center for a region at—

''(i) a risk management education coordinating office of the Cooperative State Research, Education, and Extension Service that is in existence at a land-grant college on the date of enactment of this section; or

''(ii) an appropriate alternative land-grant college in the region approved by the Secretary.

''(B) LAND-GRANT COLLEGES.—To be selected as the location for a Center, a land-grant college must have the demonstrated capability and capacity to carry out the priorities, funding distribution requirements, and reporting requirements of the program.

''(d) COORDINATING COUNCIL.—

''(1) ESTABLISHMENT.—Each Center shall establish a coordinating council to assist in establishing the funding and program priorities for the region for which the Center was established.

''(2) MEMBERSHIP.—Each council shall consist of a minimum of 5 members, including representatives from—

''(A) public organizations;

''(B) private organizations;

''(C) agricultural producers; and

''(D) the Regional Service Offices of the Risk Management Agency in that region.

''(e) CENTER ACTIVITIES.—

''(1) INSTRUCTION FOR RISK MANAGEMENT PROFESSIONALS.—Each Center shall coordinate the offering of intensive risk management instructional programs, involving classroom learning, distant learning, and field training work, for professionals who work with agricultural producers, including professionals who are—

''(A) extension specialists;

''(B) county extension faculty members;

''(C) private service providers; and

''(D) other individuals involved in providing risk management education.

''(2) EDUCATION PROGRAMS FOR PRODUCERS.—Each Center shall coordinate the provision of educational programs, including workshops, short courses, seminars, and distant-learning modules, to improve the risk management skills of agricultural producers and their families.

''(3) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—Each Center shall coordinate the efforts to develop new risk management education materials and the dissemination of such materials.

''(4) COORDINATION OF RESOURCES.—

''(A) IN GENERAL.—Each Center shall make use of available and emerging risk management information, materials, and delivery systems, after careful evaluation of the content and suitability of the information, materials, and delivery systems for producers and their families.

''(B) USE OF AVAILABLE EXPERTISE.—To assist in conducting the evaluation under subparagraph (A), each Center shall use available expertise from land-grant colleges, nongovernmental organizations, government agencies, and the private sector.

''(f) GRANTS.—

''(1) SPECIAL GRANTS.—Each Center shall reserve a portion of the funds provided under this section to make special grants to land-grant colleges and private entities in the region to conduct 1 or more of the activities described in subsection (e).

''(2) COMPETITIVE GRANTS.—Each Center shall reserve a portion of the funds provided under this section to conduct a competitive grant program to award grants to both public and private entities that have a demonstrated capability to conduct 1 or more of the activities described in subsection (e).

''(g) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—The National Agriculture Risk Education Library shall—

''(1) serve as a central agency for the coordination and distribution of risk management educational materials; and

''(2) provide a means for the electronic delivery of risk management information and materials.

''(h) FUNDING PROVISIONS.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2001 and each subsequent fiscal year.

''(2) DISTRIBUTION.—

''(A) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—For each fiscal year, of the funds made available to carry out this section, 2.5 percent shall be distributed to the National Agriculture Risk Education Library.

''(B) CENTERS.—For each fiscal year, the remainder of the funds made available to carry out this section shall be distributed equally among the Centers.

''(C) ADMINISTRATION BY LAND-GRANT COLLEGES.—The land-grant college at which a Center is located shall be responsible for administering and disbursing funds described in subparagraph (B), in accordance with applicable State and Federal financial guidelines, for activities authorized by this section.

''(3) PROHIBITION ON CONSTRUCTION.—

''(A) LOCATION OF CENTERS.—Each Center shall be located in a facility in existence on the date of enactment of this section.

''(B) PROHIBITION.—Funds provided under this section shall not be used to carry out construction of any facility.

''(i) EVALUATION.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall evaluate the activities of each Center to determine whether the risk management skills of agricultural producers and their families are improved as a result of their participation in educational activities financed using funds made available under subsection (h).''.

SEC. 402. SENSE OF THE SENATE REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of the Senate that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled ''General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities'', published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rulemaking process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 92, line 15, insert ''subsection (c)(2) and'' after ''carry out''.

On page 92, line 17, strike ''204'' and insert ''206''.

Beginning on page 92, strike line 23 and all that follows through page 93, line 9, and insert the following:

(2) INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS OF DURUM WHEAT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer of durum wheat that purchased a 1999 Crop Revenue Coverage wheat policy by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(B) BASE AND HARVEST PRICES.—The base price and harvest price under the policy shall be determined in accordance with the Commodity Exchange Endorsement for wheat published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(C) REINSURANCE.—Subject to subparagraph (B), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(D) VOIDING OF BULLETIN.—Bulletin MGR–99–004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(E) EFFECTIVE DATE.—This paragraph takes effect on October 1, 2000.

On page 93, line 10, strike ''**SEC. 402.**'' and insert ''**SEC. 502.**''.

On page 94, strike lines 1 and 2 and insert the following:

1508(a)) is amended by redesignating paragraph (8) (as added by section 107) and paragraph (9) (as added by section 305) as paragraph (7) and paragraph (8), respectively.

On page 94, line 5, strike ''203'' and insert ''205''.

On page 94, line 24, strike ''subsection (c)'' and insert ''subsections (c), (d), and (e)''.

On page 45, between lines 2 and 3, insert the following:

SEC. 204. OPTIONS PILOT PROGRAM.

(a) IN GENERAL.—Section 191 of the Agricultural Market Transition Act (7 U.S.C. 7331) is amended—

(1) in the first sentence of subsection (a), by striking ''2002'' and inserting ''2004'';

(2) in subsection (b)—

(A) in the first sentence, by striking ''100 counties, except that not more than 6'' and inserting ''300 counties, except that not more than 25''; and

(B) in the second sentence, by striking ''2002'' and inserting ''2004''; and

(3) in subsection (c)(2), by inserting before the semicolon the following: ''during any calendar year in which a county in which the farm of the producer is located is authorized to operate the pilot program''.

(b) FUNDING.—From amounts made available under section 516(a)(2)(C) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)(C)) (as added by section 203(b)(2)(C)) for the choice of risk management options pilot program, the Federal Crop Insurance Corporation shall transfer to the Secretary of Agriculture to carry out the amendments made by subsection (a) $27,000,000 for each of fiscal years 2002 through 2004.

On page 45, line 3, strike ''**SEC. 204.**'' and insert ''**SEC. 205.**''.

On page 72, line 19, strike ''204(a)(2)'' and insert ''205(a)(2)''.

On page 92, line 17, strike ''204'' and insert ''205''.

Mr. LUGAR. Mr. President, this completes the amendments list. At this point, I yield the floor to Senators who wish to speak on the bill.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

I am very pleased to support a crop insurance reform bill that has been a long while in the making. I compliment the chairman of the Senate Agriculture Committee for his diligence in this. He has certainly worked hard and put forth a great effort in working with all of us to come up with a final product. I appreciate his diligence and patience and all his hard work and wisdom that have gone into it.

As we all know, the Budget Committee included funds to reform our ailing Crop Insurance Program last year. I have been working diligently with the Senate Agriculture Committee to develop a bill that will improve the current program because for us in the South, the current program doesn't work. What we are considering today is the result of the efforts and hard work of all of us.

I believe this bill makes fundamental changes to the existing Federal Crop Insurance Program that are necessary to make crop insurance more workable and affordable for producers across the country, and I urge its passage. Congress has been attempting to eliminate the ad hoc disaster program for years because it is not the most effective way of helping our farmers who suffer yield losses.

Last year, Senator COCHRAN and I introduced a comprehensive bill that addressed what we saw as the various reforms necessary in the Crop Insurance Program. I am pleased that many of those provisions are included in the bill we are considering today.

As we all know, the Government's role in farm programs has changed. The 1996 farm bill phased out our traditional support for our farmers, and the current farm programs require producers to assume more risk than ever before.

Due to the agricultural economic crisis we are experiencing, there has been much discussion lately on the issues of the safety net for our Nation's producers. On that point, I will be perfectly clear. Crop insurance is a risk management tool to help producers guard against yield loss. It was not created and was never intended to be, and will never be, the end-all, be-all solution for the income needs of our Nation's producers.

As the crop insurance reform debate proceeds, I am hopeful my colleagues will be cognizant of the various needs in the agricultural community and recognize that while crop insurance is an important part of the safety net, it is not and should not be the only income guard for our Nation's farmers.

In Arkansas, the last estimates I heard indicated that fewer than 2 percent of our cotton producers were participating in the buy-up program. Buy-up coverage for all commodities in Arkansas historically is below 20 percent. That tells me the producers in my home State don't think crop insurance is currently providing the kind of help they need.

In the South, we traditionally grow capital-intensive crops. As we have

grown these crops in the past, and certainly as we will in the future, the way the current Crop Insurance Program is structured, the rating program has never suited our needs or made it a good business decision for southern farmers to purchase crop insurance. This bill establishes a process for reevaluating crop insurance rates for all crops and for lowering those rates if warranted.

It was only after pressure from Congress last year that the risk management agency reduced rates by as much as 50 percent for cotton in Arkansas and the Midsouth. The provision included in today's bill will require further review of all southern commodities in the rating structure. By making the Crop Insurance Program more affordable, additional producers will be encouraged to participate in the program and protect themselves against the unforeseeable factors that will be working against them once they put a crop into the ground. This is the ultimate goal, to get more participation in our insurance program.

The bill also provides for an enhanced subsidy structure so producers are encouraged to buy up from their current level of coverage. The structure included in this bill will make the step from catastrophic to buy-up easier for producers and will make obtaining the highest level of coverage easier for those who are already participating in the Crop Insurance Program.

In an attempt to improve the recordkeeping process within USDA, this legislation also requires that FSA and RMA coordinate their recordkeeping activities. Current USDA recordkeeping, split between FSA and the RMA, is redundant and insufficient. By including both Crop Insurance Program participants and nonprogram participants in the process, we hope to enhance the agricultural data held by the agency and make acreage and yield reporting less of a hassle for already overburdened producers.

In addition, this bill establishes a role for consultation with State FSA committees in the introduction of new coverage to a State. The need for this provision was made abundantly clear to Arkansas' rice producers last spring.

A private insurance policy was offered to farmers at one rate, only to have the company reduce the rate once the amount of potential exposure was realized.

In my discussions with various executives from the company on this issue it became apparent that their knowledge of the rice industry was fairly minimal. Had they consulted with local FSA committees who had a working knowledge of the rice industry before introduction of the policy, the train wreck that occurred might have been stopped in its tracks.

I am pleased that another reform measure that I worked on has been included to help rice producers suffering losses caused by drought.

Recent droughts have left many Arkansas farmers with low reservoirs and depleting aquifers. If rains do not replenish them, an adequate irrigation supply may not exist by summer.

In addition, drought conditions in Louisiana have caused salt to intrude into the water supply used for irrigation on many farms. Current law states that rice is excluded from drought policies because it is irrigated. This is not equitable since rice producers do suffer losses due to drought.

I have worked with Senators BREAUX and LANDRIEU to provide these policies for our rice producers who are experiencing reduced irrigation opportunities due to the severe drought conditions that have plagued the South for the last two years. I am pleased that this provision has been included in the bill. I thank Senators LANDRIEU and BREAUX for their hard work on it.

Many of the problems associated with the crop insurance program have been addressed in previous reform measures. However, fraud and abuses are still present to some degree.

This bill strengthens the monitoring of agents and adjusters to combat fraud and enhances the penalties available to USDA for companies, agents and producers who engage in fraudulent activities.

There is simply no room for bad actors that recklessly cost the taxpayers money.

In closing, Mr. President, I was prepared during our committee markup earlier this month to offer an amendment related to a cooperative's role in the delivery of crop insurance.

I held off at that time due to concerns from the committee related to possible ''rebating'' ramifications and preemption of state law.

I am pleased that Senators KERREY and GRASSLEY, as well as the Risk Management Agency, were willing to work with me to include my amendment in this bill.

This amendment does nothing to preempt state law or even change current federal law. It simply provides that current approved business practices be maintained.

With the inclusion of my amendment Congress is recognizing the valuable role cooperatives play in the crop insurance program, specifically, encouraging producer participation in the crop insurance program, improving the delivery system for crop insurance, and helping to develop new and improved insurance products.

My amendment requires the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the crop insurance program and to do so within 180 days of enactment of this act.

If farmer owned entities are not allowed to sell crop insurance, then anyone can sell crop insurance in America except an American farmer. Such a legal result would give the appearance that crop insurance is designed for a closed club to exploit farmers.

In my opinion, that appearance would inhibit broader use of crop insurance, which is the overall objective we have been trying to reach. I don't believe that such a result is the intent of those who have put so much effort into improving the Crop Insurance Program, and I am pleased our amendment has been worked in.

Mr. President, I personally want to thank all of the staff members of the committee and the industry representatives who have helped in this effort. It certainly doesn't happen without their long hours of work, diligence, and perseverance in making all of this come together.

Arkansas farmers have told me time and time again that crop insurance isn't affordable for the amount of coverage they receive. As the program currently exists, it does not make sound business sense to purchase crop insurance in our State. Since this reform process began, I have been working to correct this inequity. I hope the changes we make today will lead to a Crop Insurance Program that is equitable, affordable, and effective.

I yield the floor.

Mr. LUGAR. Mr. President, the Senator from Alaska has asked the Senate to consider adding wild salmon to the list of crops for a pilot study is to be conducted as a basis for making federally-sponsored crop insurance available to fishermen. My understanding is that this is not the first time that the Department of Agriculture would be reviewing fish stocks for crop insurance. In the past, there was concern that wild fish can be too hard to track, and that fisheries managers don't really know when the stocks have failed. However, fisheries managers track fish stocks, especially wild salmon, very closely.

Mr. STEVENS. My good friend, the chairman of the Agriculture Committee, is correct. The State of Alaska has been managing wild salmon since statehood more than 40 years ago. In fact, one of the driving forces behind our statehood movement was to gain management control over our resources, particularly the salmon fisheries. I see my friend, the Senator from Kansas, may have a question on fisheries management.

Mr. ROBERTS. And is it true that fisheries managers can accurately predict how much fish can be caught from year-to-year?

Mr. STEVENS. The chairman of the Agriculture Committee is correct. Fisheries managers try to ensure that salmon returning to spawn reach their escapement goal, which is the number of spawners needed to return a heathly population of juveniles to the streams and oceans. Historically, managers can accurately estimate how many fish are expected to return based on the lifespan of the salmon and the escapement numbers from previous years. Fisheries managers also track historical trends, which are often linked to long term weather cycles, and their relationship to escapement numbers. The State of Alaska in particular uses in-season

management to ensure its pre-season escapement goals.

However, occasionally the fish do not return. For example, chum salmon runs in areas of western Alaska were at all time lows in 1997 and 1998. The low chum runs have had a devastating effect on the western Alaska economy. This exactly the type of crisis that could be alleviated by making crop insurance available to salmon fishermen. Fishermen are the farmers of the sea, and they deserve the same protections we afford to our farmers in the inland states.

Mr. LUGAR. I thank the Senator from Alaska for informing us of these aspects of fish harvests.

Mr. STEVENS. I thank the Senator from Indiana and the Senator from Kansas for their hard work on this important legislation and for addressing my request.

Mr. DASCHLE. Mr. President, the farmers and ranchers of this country have been struggling with terrible economic conditions over the past three years. They have seen their prices collapse and remain at, or in many cases below, the cost of production. Not only have farmers in my state and across the country endured these low prices, they have also been subject to the unpredictable forces of droughts, floods and crop disease.

We have before us a bill that will help farmers and ranchers survive these bad times and manage production risks. S. 2251, the Risk Management for the 21st Century Act, is a comprehensive approach to reforming and improving crop insurance for producers across the country. It will make the federal crop insurance program more affordable and effective.

Currently, the government provides subsidies for multi-peril crop insurance, but subsidies are progressively less at higher levels of coverage. This aspect of the crop insurance program often has the effect of restricting farmers from investing in the most efficient levels of coverage for their farms. This bill inverts this subsidy, so the higher levels of coverage are subsidized at the highest levels. This makes meaningful and comprehensive coverage much more affordable to farmers in this country who rely on the program to manage their production risks.

This bill also addresses another issue of critical importance to farmers in South Dakota and nationwide. Many parts of the country have suffered devastating crop losses for several years in a row. As disastrous conditions persist, farmers' eligibility under the current crop insurance program decreases—the opposite of what common sense would dictate. This bill enables producers to protect and sustain their crop insurance eligibility so that crop insurance remains an economically viable option for them for the long term.

This legislation also authorizes the Risk Management Agency (RMA) to develop insurance products on a pilot basis for livestock producers. For too long, we have excluded our cattle ranchers, hog producers, and other livestock producers from federal agriculture programs, including crop—or perhaps we should say ''commodity''—insurance. This bill expands the flexibility of the program in this way so that more producers can benefit from this important investment.

This legislation also provides great benefits for producers of specialty crops. It improves catastrophic loss insurance coverage by increasing the access specialty crop farmers have to quality crop insurance policies. Current crop insurance policies do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. This bill will promote specialty crop producer participation in the federal crop insurance program, encourage higher levels of coverage than provided by catastrophic insurance, and enable those producers to make better planning and marketing decisions. Furthermore, the bill requires that at least fifty percent of the funds dedicated to research and development for new crop insurance products are focused on specialty crop product development. This legislation also specifically provides funds to the RMA to enter into public and private partnerships to develop specialty crop insurance policies, and authorizes funds for pilot programs that would be conducted at the state, regional, and national levels.

Finally, this bill eliminates the area trigger for the non-insured assistance program, making any grower whose crop is uninsurable and who experiences a federally-declared disaster eligible for disaster funds.

Some have shared a concern that this crop insurance plan does not adequately address the range of problems across the country. They should be assured that this bill was written with the input and support of lawmakers, farmers, and agricultural organizations from all regions of the country.

The crop insurance program has grown in popularity over the last several years. This bill will significantly improve an already important and successful program. Effective and affordable crop insurance is a vital part of an improved safety net that farmers and ranchers need to protect themselves from production risks, and to survive and succeed this year and in years to come.

But make no mistake. Passage of this bill is only one part of our overall effort to improve farm policy. We must consider the many other ways in which our current policies have contributed to the poor economic conditions plaguing our farmers and ranchers. I look forward to that debate.

Mr. COCHRAN. Mr. President, I commend the distinguished chairman of the committee, Mr. LUGAR, for his work on the legislation before the Senate today. The Senators from Kansas and Nebraska deserve commendation also because of their active influence in shaping this bill.

I wish I could support this effort to reform crop insurance, but it has a built in bias against Southern agriculture. I supported the measure that was put before the Committee by the Chairman and I voted against the substitute amendment that was offered during the committee markup by the Senators from Kansas and Nebraska. Their amendment prevailed, and it is now the pending business before the Senate. The Chairman's mark offered farmers a choice between higher government contributions to their crop insurance premium or a new risk management payment that they could use for eligible activities which lower the financial risk of their farming operation.

Farmers in Mississippi preferred the Lugar bill. Mississippi has the third lowest crop insurance participation rate in the country. This bill will not increase the participation rate in my state and I don't think it will eliminate the need for Congress to provide disaster assistance in the future.

The bill now before the Senate, while including some of the programmatic changes that I have advocated and introduced in a bill with the distinguished Senator from Arkansas, Mrs. LINCOLN, falls short of the reform that we have promised agriculture producers.

Here are two specific examples. First, it contains a subsidy structure which heavily favors regions of the country which already have high crop insurance participation rates and low premiums. This bill will make premiums even lower for those producers, while at the same time, effectively raising rates for producers that purchase coverage in the middle levels. The effect of this subsidy structure is that farmers who currently purchase catastrophic coverage and want to move into higher levels of coverage will only benefit from this legislation if they buy at the lowest and highest levels of coverage. Otherwise, they would be better off under current law.

Second, farming is not a ''one-size-fits-all'' enterprise, but some believe that crop insurance should be. This bill fails to provide benefits for those producers that find crop insurance to be uneconomical. Certainly many of the changes that are incorporated in this bill will result in lower premiums, but for some producers in Mississippi, that will not be enough.

I am encouraged that the Committee has provided $500 million in a pilot program that may address the needs of those who find that crop insurance is not a good business decision. However, the funds provided are significantly less than those that were included in the Lugar bill and will likely not produce a program that will be meaningful. I hope that this amount will be increased in conference so that it can provide meaningful assistance while not setting dangerous precedents for future farm bill debates. I'm hopeful this legislation can be improved in conference with the other body.

Mr. President, I will vote no on this bill, I will work with the Chairman and other committee members to resolve these concerns in conference.

Mr. KOHL. Mr. President, I am pleased that my amendment to include dairy in this $6 billion crop insurance bill has been accepted by the bill managers and I thank them for their cooperation. In particular, I want to thank Senators LUGAR, KERREY, ROBERTS, and DASCHLE for their assistance. I look forward to working with them prior to and during conference to ensure my amendment is part of the final bill reported by the conference committee.

Dairy farmers have for too long been without any risk management tools to help them manage the risk of milk price volatility. The Dairy Options Pilot Program, authorized by the 1996 farm bill, was set to expire in 2002 and would have reached its 100 county cap at the end this year. If we had allowed that to happen, we would have taken from dairy farmers this important educational risk management program at a time when milk prices have hit their lowest levels in more than two decades. The DOPP program helps farmers pay for the out-of-pocket costs of buying ''put'' options on the commodity exchanges while the pilot is in effect in their county. Equally important, the program requires that farmers participate in an education and training program on the use of the futures market for risk management purposes.

My amendment extends the Dairy Options Pilot Program until 2004 and raises the number of counties that can participate to 300. Moreover, the amendment raises the number of counties in each state that can participate from six to 25. This is important to Wisconsin since, at the end of this year, Wisconsin would have hit its county cap as well.

The DOPP, on top of forward contracting through their cooperatives or other milk buyers, provides dairy farmers with an additional risk management tool. It is a tool that will be available, under my amendment, to dairy farmers throughout the nation. It is a national program, not a regional program. And I hope my colleagues from other regions will join me in looking for every possible national tool we have to help dairy farmers across the United States.

This is, Mr. President—and I cannot stress this enough—only one of the many things we need to do to help dairy farmers struggle through increased dairy market volatility. Dairy farmers in my state are hurting right now. The DOPP, while important, is not the answer to the unacceptably low milk prices. We must do more—much, much more. DOPP, even with my amendment, will still be available to farmers in only 300 counties.

That is why I am also seeking $500 million in additional dairy market loss payments to put more money in the pockets of dairy farmers. Farmers nationwide need that help right now and I hope to work to provide that assistance through my role as ranking Democrat on the Agricultural Appropriations subcommittee.

I also want to work with my colleagues to craft a national dairy policy that will provide dairy farmers with a meaningful safety net that does not distort markets or provide unfair regional advantages.

But I am pleased that S. 2251 bill will make this one tool—the DOPP—available to more farmers. It is, Mr. President, the very least we can do. And I thank the managers for working with me to include this amendment in the bill.

Mr. MACK. Mr. President, I rise to make a few remarks regarding the Risk Management for the 21st Century Act.

Floridians know all too well the impact of natural disasters on the agriculture community. While I am proud of the ability of our growers to rebuild their farms after such devastating losses, enormous disaster aid bills only serve as a band-aid fix to the problem. We must work harder to ensure that all farmers have access to the necessary risk-management tools. This bill encourages growers to purchase appropriate levels of crop insurance, hopefully avoiding the band-aid fix in future appropriation measures.

Florida is the ninth leading agricultural state in the nation, with annual farm receipts totaling $6 billion. The industry employs over 80,000 people and generates more than $18 billion in related economic activity. In 1998, hard working Floridians produced more than 25 billion pounds of food, and more than 2 million tons of livestock feed. I am proud to say that Florida leads the nation in production of 18 major agricultural commodities including oranges, sugarcane and fresh tomatoes. With these statistics in mind, it is imperative to ensure that federal programs work with, not against, Florida's farmers.

As an original co-sponsor of S. 1401, the Specialty Crop Insurance Act of 1999, I support the effort to reduce the dependence of the specialty crop industry on catastrophic loss insurance coverage by improving its access to quality crop insurance policies. By failing to account for the unique characteristics associated with farming specialty crops, current crop insurance policies do not include many specialty crop producers.

Through promotion of affordable crop insurance policies, S. 1401 would increase specialty crop producer participation in the Federal Crop Insurance Program. Today's legislation, S. 2251, the Risk Management for the 21st Century Act, includes many of these specialty crop provisions.

This legislation requires that 50% of the funds dedicated to research and development for the new crop insurance products are focused on specialty crop product development. At a level of $20 million per year, the legislation authorizes the Risk Management Agency to enter into partnerships with private and public entities to increase the availability of risk management tools for specialty crops. The expertise of outside agencies will most certainly help the Risk Management Agency develop sound specialty crop insurance policies.

The Risk Management for the 21st Century Act also includes an expansion of Risk Management Agency pilot authority, removal of the Non-insured Assistance Program (NAP) area trigger, incentives for growers who purchase ''buy-up'' coverage, and it proposes a premium refund for low-risk producers. These reforms will ease our nation's growers dependence on short sighted disaster relief bills.

This bill is the product of countless hours of negotiation, and I believe it represents an incredible opportunity to improve our Federal Crop Insurance Program. The Agriculture Committee has been extremely helpful in including the interests of specialty crop producers, and I thank them for their time and effort. I urge my colleagues to support the Risk Management for the 21st Century Act.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL. Mr. President, I commend the Chairman for moving this issue forward today. One of Georgia farmers' biggest complaints has been the inadequacies of the crop insurance program. The current program does not work and needs to be substantially reformed. Georgia farmers and ranchers continue to experience severe financial difficulties as a result of the lowest commodity prices in a decade, the devastating loss of international markets, and back to back disasters. They need a crop insurance program that provides the most economic benefits possible. While Congress helped stave off disaster in rural America by providing economic and weather related loss assistance in the fiscal year 1999 and 2000, it is evident that more needs to be done. Farmers need risk management programs that provide some protection against weather related and economic losses beyond their control. As it currently stands, crop insurance is too expensive for most farmers and has resulted in a low participation rate by many Georgia farmers.

The legislation before us today, while not perfect by any means, is a step in the right direction. I am reluctantly supporting this measure in an effort to move the debate forward. I would like to thank the Chairman for all his efforts on this important issue. While we are disappointed, of course, that the Chairman's mark did not prevail in committee. The Chairman's bill would have allowed Georgia farmers to choose whether or not traditional crop insurance was a viable risk management tool for their farms. There is $6 billion at stake though, and we need it to reform the program. The House has passed a bill with favorable provisions

for the Southeast. We intend to fight for perfections to the bill we pass today, so our region of the country is treated fairly.

The Roberts/Kerry bill has many important reform provisions that were included in the Cochran/Lincoln bill, of which I was proud to be a cosponsor. Some of these provisions included are increased subsidy rates for farmers, affordable specialty crop insurance policies, multi-year APH adjustments, equal prevented planting for all crops, and rating methodology reform. This bill also includes over $400 million for a risk management pilot program which we hope to tailor to the Georgia farmers' needs. All in all, this bill needs to go forward. We will ultimately arrive at a program that will be much better for our farmers than the status quo.

Mr. GRAHAM. Mr. President, members of the Senate, I am proud to offer my support for the legislation. As many before me have said, this bill is the product of extended debate and compromise on all sides of this debate.

CROP INSURANCE IS A TOOL TO REDUCE DISASTER AID

Over the last 3 years, we have passed large disaster aid packages to farmers. Over the last 2 years, we have spent billions of dollars in disaster relief for farmers.

Mr. President, Benjamin Franklin said it best: a stitch in time saves nine. If we invest in crop insurance, it will significantly lower the costs associated with agricultural disasters. The choice is simple: give farmers the tools they need to plan for catastrophic weather, or risk emergency, after-the-fact spending that impedes our ability to preserve social security.

Of particular interest to my state of Florida are the provisions in this legislation dealing with the needs of specialty crop producers. Agriculture in Florida has many different faces. There are 40,000 commercial farmers in the state.

In 1997, Florida farmers utilized a little more than 10 million of the state's nearly 35 million acres to produce more than 25 billion pounds of food and more than 2 million tons of livestock feed.

Florida ranks number nine nationally in the value of its farm products and number two in the value of its vegetable crops. Florida agriculture is not only valuable, but also diverse. Florida ranks number two nationally in horticulture production with annual sales of over $1 billion. Florida grows 77 percent of U.S. grapefruits and 47 percent of the world supply. The state produces 75 percent of the nation's oranges and 20 percent of the world supply.

Florida's farmers led the Nation in the production of 18 major agriculture commodities in 1997 ranging from oranges and grapefruits, to a wide variety of vegetables, to tropical fish. Florida livestock and products sales were $1.1 billion in 1997. Florida is the largest milk-producing State in the southeast. The bottom line for Florida agriculture is that our State has a wide variety of non-traditional crops.

On July 29, 1999 I introduced S. 1401, the Specialty Crop Insurance Act of 1999, with my colleagues Senators MACK, FEINSTEIN, BOXER, and BINGAMAN. This legislation sought to reduce the dependence of the specialty crop industry on catastrophic loss insurance coverage by improving its access to quality crop insurance policies.

Current crop insurance policies available for specialty crops do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. We need a different approach for this unique sector of U.S. agriculture.

Our legislation sought to promote the development and use of affordable specialty crop insurance policies. This action is intended to increase specialty crop producer participation in the Federal Crop Insurance Program, encourage higher levels of coverage than provided by catastrophic insurance, and encourage better planning and marketing decisions.

I am extremely pleased that the legislation we are considering today incorporates the provisions in my legislation.

(1) The biggest problem for specialty crop growers is availability of affordable policies. According to a 1999 GAO Report on USDA's progress in expanding crop insurance coverage for specialty crops, even after an expansion in policies available to specialty crops planned through 2001, the existing crop insurance program will fail to cover approximately 300 specialty crops that make up 15 percent of the market share.

To increase the availability of affordable crop insurance products, I proposed that we give the Risk Management Agency the resources and the ability to tap into expertise in the private sector during product development. S. 2251 accomplishes this goal.

The bill before us today requires that at least 50 percent of the funds dedicated to research and development for new crop insurance products are focused on specialty crop product development. Fifty percent of these funds are to be spent on outside contractors, giving those with expertise on specialty crops the opportunity to develop policies.

The legislation specifically authorizes $20 million per year for RMA to enter into public and private partnerships to develop specialty crop insurance policies.

It also establishes a process to review new product development and ensure that crop insurance products are available to all agricultural commodities, including specialty crops.

I believe the actions taken by S. 2251 will give RMA the authority and resources it needs to use the expertise of the private sector to develop good crop insurance products for specialty crops.

(2) To further encourage development of new policies, I proposed expansion of the RMA pilot authority. This legislation authorizes funds for pilot programs. It allows pilots to be conducted on state, regional, and national basis for a period of four years to be extended if desired by RMA. S. 2251 also includes the authority for RMA to conduct a pilot program on crop insurance for timber, a provision I originally introduced on April 22 of last year in S. 868, the Forestry Initiative to Restore the Environment.

(3) Growers who do not have access to crop insurance policies depend on the Non-insured Assistance Program (NAP). To ensure that aid from this program actually reaches farmers in need, I proposed elimination of the area trigger for non-insured assistance program, making any grower whose crop is uninsurable and experiences a federally-declared disaster, eligible for these funds. This bill does the same.

(4) My legislation took action to encourage growers to purchase buy-up coverage. The Risk Management for the 21st Century Act increases the rate for 50/100 coverage, the initial buy-up level after catastrophic coverage to 60 percent.

(5) To encourage farmers to take proactive risk management action, both my legislation and S. 2251 propose a premium refund for low-risk producers.

I believe that the provisions in the Risk Management for the 21st Century Act will ensure that specialty crop producers have access to high-quality insurance products designed to meet their needs.

I am pleased that the goals of my legislation, S. 1401, the Specialty Crop Insurance Act of 1999, are met by the legislation before us today. I commend my colleagues for their efforts to ensure that crop insurance reform passed by the 106th Congress will take into account the needs of all agriculture producers, not just one sector. I offer my support for this legislation and urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, this is an important day. Today we are finally bringing to bear over eighteen months of hard work toward reforming the Federal Crop Insurance Program. This is an issue of vital importance to Montana.

First, however, I urge my colleagues in the Senate to join me in applauding Senators ROBERTS and KERREY for their hard work in bringing a comprehensive solution to the table as well as Chairman LUGAR for helping us work quickly to pass this important legislation. We can all be proud of a job well done.

The bill before you to day, the Risk Management for the Twenty First Century Act, is a fine example of what can be done when we work on a bipartisan basis to solve a difficult problem. I am pleased that Montana producers and crop insurance providers also contributed largely to this effort.

Last spring, I held a crop insurance community hearing in Shelby, MT. Ken

Ackerman, director of the Risk Management Agency, flew out for that hearing and got quite an earful. Montana farmers told us they wanted a program they could count on. A risk management tool that would be more efficient, more cost effective, more responsible, and more accountable. A program that encourages farmers to try new and innovative crops. And a reliable system that moves us away from the annual ad hoc disaster band-aids. I would like to extend a personal thank you to Ken Ackerman and his agency for listening to our concerns and helping draft them into this legislation.

Today, I am optimistic that we in the Senate are soon to make those goals a reality. The $6 billion legislative package before us today will amend the Federal Crop Insurance program in several specific ways. The measure will:

Make crop insurance more affordable and broaden coverage to encourage producers to purchase the highest levels of coverage;

Create more realistic production history so that produces won't be penalized for losses over several years;

Encourage producers to plant new specialty crops;

Require producer input on the federal crop insurance program board of directors to ensure that the program works for the people who are buying the insurance product; and

Make it easier for producers to get disaster assistance for crops that have no production history.

I would like to highlight one particular section in this bill—that is the provision that at long last addresses the fact that during previous farm programs, Montana specialty crop producers have had little or no safety net. This is important since traditional crop prices have collapsed and farmers have ventured into specialty markets to survive. But because they have little or no production history, they are not eligible for traditional crop insurance coverage. Instead they are subject to the Non-Insured Agriculture Program.

Unfortunately, the NAP program does not work. I have been told that in order for a farmer to be indemnified, she must be a ''very lucky person.'' A loss suffered per se does not trigger payments. Instead, at least five other producers in a defined 320,000 acre area must also suffer severe losses in order to trigger NAP coverage. Clearly, unless all the pieces fall together in a perfect puzzle, it is likely that the producer will not be paid.

Last year, I offered legislation that will help Montana farmers try new and innovative crops by streamlining the NAP. Among other provisions, our proposal eliminates the area trigger. That way if disaster strikes, the producer will be covered. Plain and simple. Senator LARRY CRAIG joined me in that effort, and I am pleased that our legislation is included in the Senate bill that we are currently considering.

Folks at home want to farm. They can not control the weather, but they should be able to invest in a program that helps them manage nature's unpredictable whims. With an improved crop insurance program, Montana farmers will be able to diversify, take risks and move beyond our traditional way of thinking.

We have before us the perfect opportunity to do what is right for Montana and rest of rural America—pass comprehensive crop insurance reform. I thank everyone who contributed to this effort and look forward to passage in the Senate, a successful conference and President signing the bill into law in the very near future.

Mr. JOHNSON. Mr. President, I am extremely pleased to support legislation on the Senate floor today that improves and expands the crop insurance and risk management tools available to farmers in the United States. After months of uncertainty on this issue it is my hope that farmers desiring enhanced crop insurance and risk management options will be reassured that Congress will take a positive step and enact reform this year.

Beyond the day-to-day uncertainties facing family farmers and ranchers, matters are complicated today by current economic conditions in rural America. Collapsed crop and livestock prices, weak export demand, and agribusiness concentration continue to threaten the viability of our independent family farmers and ranchers. Crop insurance provides many agricultural producers with a risk management tool, but Congress needs to reform the current program at this time to avoid allowing both low prices and an inadequate safety net to force farmers out of business.

Nonetheless, I must caution that no matter how well crop insurance is improved, it is not a substitute for a sound farm policy or safety net. Instead, crop insurance is an important part of that farm safety net. It is my desire to also participate in a farm bill debate this year so Congress can reform the underlying farm bill. But, we must take advantage of this day to act on crop insurance.

In 1994, I chaired the House of Representatives subcommittee charged with reforming crop insurance. At the time one of our goals was to improve insurance to a point where the government would not need to develop ad hoc disaster programs. Ad hoc disaster programs are difficult to create, difficult to administer, and are politically unpopular. While I am pleased with many of the reforms we made in 1994, action in Congress to pass crop loss disaster programs in the last two years reminds us that crop insurance has not fully replaced the need for ad hoc disasters.

Crop insurance is critical to the farmers of South Dakota. Nearly twenty South Dakota grown crops are currently eligible for crop insurance, and among our major commodities, participation in the crop insurance program is high. Ninety-five percent of our corn acreage is enrolled in crop insurance while 92 percent of our soybean acres are in this program. Wheat producers in South Dakota place 76 percent of their acreage in crop insurance. After the reforms made to the program in 1994, over 10 million acres of farmland in my state have been enrolled in crop insurance.

I am pleased to co-sponsor a bipartisan reform bill that is a modification of S. 1580, the Kerrey-Roberts Crop Insurance for the 21st Century Act. Our bill clearly recognizes improved crop insurance is absolutely necessary for farmers in the future. Our underlying bill closely mirrors the crop insurance reform bill enacted in the House of Representatives last year. Finally, our bill addresses some of the most serious concerns of the current crop insurance program; affordability, dependability, and flexibility.

The major reform proposed in our bill ensures greater affordability for farmers, especially for higher levels of protection. Nearly every farmer I talk to wants the opportunity to purchase higher levels of coverage, but most have found that a threshold exists were buy-up coverage becomes cost prohibitive. The Kerrey/Roberts bill makes coverage more affordable by providing higher subsidies for higher levels of coverage. South Dakota farmers support this provision of our bill because affordability seems to be the most pressing issue facing crop insurance today.

In recent years, the issue of coverage dependability has come into serious question. Farmers in South Dakota and elsewhere have suffered under multiple years of weather related disasters.

The bill I support ensures greater coverage dependability by providing relief for producers suffering from insurance coverage decreases and premium increases due to multi-year crop losses resulting from natural disasters. The bill adjusts actual production yield history—APH—for farmers by allowing producers who have suffered under three natural disasters in five years to drop their lowest APH. It also provides APH credit to assist beginning farmers and those who are diversifying with new crop rotations.

Finally, the proposal I support authorizes the development of cost of production crop insurance policies. This should eventually be a new, useful tool for producers. It also provides livestock producers hope that the development of some type of livestock coverage is a priority. Livestock producers are the major contributor to South Dakota's agricultural economy, and risk management options are essential for these producers.

However, our proposal, S. 2251, differs somewhat from our underlying bill, S. 1580, as well. Months of debate between members of the Senate Agriculture Committee has resulted in a certain degree of compromise on the overall issue of crop insurance and risk management. Some in our Committee believe a lump sum risk management payment

is preferred by farmers in parts of the United Sates. While I am very concerned that a de-coupled, lump sum payment is the wrong approach to take for several reasons, I understand the need to have comity and reasonable compromise in the Senate. Therefore, our proposal includes a pilot project to give farmers a choice between either crop insurance coverage or a risk management payment on a commodity by commodity basis. Yet, there are differences between the two risk management pilot programs offered by our coalition and those supporting large direct lump sum payments.

I am concerned the de-coupled payment alternative offered by others of the Committee is flawed. First, dividing a limited amount of money among many producers with a risk management payment fails to ensure the need for ad hoc disaster programs is eliminated. These direct lump sum payments will also be capitalized in land values and make it difficult for small and beginning farmers to compete for land.

Moreover, the alternative bill pushed by others in the Committee allows ''double dipping'' of benefits which I oppose. Those who choose a risk management payment are then also eligible for crop insurance under the current premium subsidy structure in the alternative supported by others today. This leads to a problem of complexity in terms of administration because crop insurance agents would be required to be able to quote two sets of premium rates available for farmers.

Nonetheless, members of the Senate have every right to propose risk management alternatives that they believe suit the interests of the farmers they represent. So with caution, I understand the need to offer a compromise bill with my colleagues on the floor today that offers some degree of ''choice'' and compromise. So, while the bill I support today also includes a risk management payment choice, it requires a more rigorous set of conditions through certification and random auditing to ensure program compliance. Therefore I believe the risk management payment in our approach is more responsible. That said, I would be remiss if I did not state, unequivocally, that I deeply appreciate the chairman's leadership in the Senate Agriculture Committee, and I respect the fashion in which he allowed the mark-up hearing to take place on March 2.

I want to mention one final issue very critical to the overall acceptance and viability of a taxpayer funded program like crop insurance. The issue of potential abuse in the insurance program was discussed in Congressional hearings on crop insurance reform last year. I do not believe fraud or abuse is of epidemic proportion in the crop insurance program. In fact, I believe the lion's share of interests (farmers, agents, loss adjusters, industry, and government) working in and around federal crop insurance are doing so with the highest degree of integrity. However, I am cognizant that questionable claims and potential abuse were of great concern last year. That said, unless steps are taken to bolster compliance and oversight the public support for this vital program may diminish.

I am pleased to learn that earlier this month the risk Management Agency announced a major commitment to work with the private insurance industry to strengthen the integrity of crop insurance. I am hopeful this joint effort begins to end the concerns of this important program. I commend those involved in taking this positive step.

Mr. LUGAR. Mr. President, I ask unanimous consent that the vote in relation to the pending amendment No. 2888 occur at 11 a.m. Thursday morning, with 2 minutes equally divided for closing remarks prior to the vote. I further ask consent that following that vote the bill be read the third time, under the previous consent, and the Senate proceed to vote on passage of H.R. 2559, the crop insurance risk management bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LUGAR. Mr. President, I note the presence of two distinguished Senators and perhaps more will come to the floor to offer comments on this bill or other bills.

On behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, Senators may then speak on crop insurance or other subjects. The unanimous consent request I have stated on behalf of the leader will permit that debate to continue.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

CROP INSURANCE

Mr. GRAMS. Mr. President, I want to address the crop insurance reform proposal. I thank you for the opportunity to address this legislation that I think is so crucial to the economic health of farmers in Minnesota and across the country. I have appreciated the hard work and effort put into this bill, and I believe it is one of the key reform issues the Congress must address this year to create an economic climate that will enable America's farmers to thrive.

As a sponsor of crop insurance legislation in both the 105th and 106th Congress, I am certainly no stranger to this issue. Working with producers, rural lenders, economists, and other stakeholders, I think we have fashioned a bill that would encourage more participation in the program, help encourage producers to buy higher levels of coverage, and will also reduce the instances of ''moral hazard'' to keep everybody's premiums lower, and also help maintain the integrity of the program.

Mr. President, I first introduced my crop insurance bill in the 105th Congress, and I am pleased that much of my own legislation has now been incorporated into the Roberts-Kerrey measure, including pilot programs that would offer farmers premium discounts for using whole farm units or one crop units of insurance, and allowing producers to cross State and county boundaries to form insurable units, plus a pilot program permitting producers to ensure their crops are based upon a future price. Also, I am pleased that this bill will now also include an expansion of the dairy options pilot program. I think this is also a very important tool for producers who are attempting to weather the ups and downs in the dairy market. So I think it is great that we have included this provision that is going to help dairy farmers in the Midwest and across the country as well.

Participation in the Federal Crop Insurance Program has increased from 10 percent of the eligible acres in 1980 to about 70 percent of eligible acres last year, 1999. I think that is encouraging, but we still need higher levels of participation if our farm is to successfully manage its risk in the face of ever-changing global markets. Like almost no other form of employment, producers are subject to a host of variables that impact their bottom line, including weather, disease, production levels in other countries, foreign trade, increasing production costs, and changing consumer demand. All are out of the control of the producer.

As most of you know, America's farmers are fiercely independent and ever optimistic and were glad to get the freedom to make their own production decisions that came with the 1996 farm bill. However, part of the promise of Freedom to Farm was that there would be accompanying efforts to bring about trade negotiations to reduce barriers, regulatory reform, and improvements to the Crop Insurance Program to help producers manage the risk in open markets. Unfortunately, the administration has not eased the regulatory burden on farmers, and we have not initiated new WTO talks or negotiations. I am confident this crop insurance reform legislation remains one of the most important pieces of the farm prosperity puzzle. Tax relief and tax reform for our farmers across the board is also very important because it directly impacts the bottom line, the net income of our farmers and the ability of our farmers to pass farms from one generation to another.

Again, I am proud to be one of the early advocates for reform and that the basic concepts of my proposal again were carried into this reform bill.

I strongly urge my colleagues to speedily approve this bill so it can be reconciled with the House bill and be completed as soon as possible.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. CRAIG. Mr. President, I am pleased to join many of my colleagues today in support of S. 2251, the crop insurance reform bill. Senator GRAMS spoke most eloquently on the issue and of its importance. He has certainly led the issue, along with a good many other of our colleagues who brought us to this point of shaping the legislation and bringing it to the floor.

I thank the chairman of the Agriculture Committee, Senator LUGAR, for recognizing the issue and the need for the legislation. While he didn't agree with all that is in S. 2251, he recognized its importance. He recognized the importance of building a compromise, as we were able to do in the committee.

At this time, I am proud to join not only the chairman but certainly my good friend, Senator ROBERTS, and Senator KERREY, who really led the issues that are found and embodied in S. 2251.

There is no question that reform of the Federal Crop Insurance Program was not only a necessity but it was an obligation. It was a promise that we in the Senate and the House made to America's production agriculture when we moved to the new agricultural policy embodied in the current farm bill, Freedom to Farm. We said not only would we free up individual farmers to produce for the market absent specific Federal programs but we would provide them with the necessary tools to compete. One of them would be a risk management tool—crop insurance—so they could use it against downturns in the market or certain environmental circumstances such as drought, frost, or floods that might impede their ability to produce or destroy the very crop they planted in the ground.

We also said we would look at the trade issue, and obviously the sanctions our Government had placed against certain potential markets across the world. We addressed that last year in the Senate. We will address it again this year. If we can pass the sanctions legislation and it becomes law, and if S. 2251 becomes law, then we will have completed a package that was promised a good number of years ago to our farmers and ranchers across this country.

The bill before us addresses several concerns farmers in my State and I have had about crop insurance. The bill provides increased subsidies for a greater buy-up of the crop insurance; funding for research and development of specialty crop insurance, which is critically important; removal of the noninsured assistance program, better known as NAP, area trigger which was a true impediment in past Federal crop insurance programs; and several other items.

Let me explain the uniqueness of Idaho agriculture.

There are sometimes two or three crop components to our large Midwestern agricultural producing areas. Idaho's great agricultural economy is based on minor crops and nontraditional crops. We know about Idaho's potatoes. But we oftentimes don't know about Idaho's winter peas, or our trout, or our seed peas, or our lentils, or our sugar beets, or our barley, or our mint.

Many people don't recognize that I have one of the most diverse agricultural counties in the Nation that produces large quantities of seeds for sweet corn, carrots, onions, celery, and all of those kinds of things you would not expect a State such as Idaho to grow, but we do because of our unique environment and our ability to control moisture through irrigation, and, as a result, creating the ideal situation for the growing of some of these seed crops. These are all minor crops and high-value crops that are sensitive to certain environmental or market downturns.

Current Federal crop insurance does not always provide for them. This legislation not only provides for the research to move us in that area, but it removes the NAP area trigger that was very prohibitive.

That is why I have worked with Senator KERREY and Senator ROBERTS to include a provision to reform the Noninsured Assistance Program, or NAP, in this amendment. NAP is used by farmers who grow these ''specialty'' or ''minor'' crops across our Nation. This legislation removes the area trigger and makes it a much more workable proposition for farmers in my State.

I often hear from farmers who are frustrated that crop insurance does not exist for our many specialty crops. It is why my farmers don't use it at the rate other producers across the country do.

This legislation should move us in the direction of creating another risk management tool for Idaho's agricultural production. I hope we can accomplish that. This legislation specifically encourages the development of specialty crop produce and allows the risk management agency to partner with entities to develop new crop insurance products. The bill also inverts the subsidy formula to make higher levels of coverage more affordable to farmers. These changes will speed new products to the market and make crop insurance a real risk management tool. These changes will help farmers protect crops against the disasters that oftentimes hit.

I once farmed and ranched. I remember one day standing at the window of my farm and ranch home watching a hailstorm wipe out 200 acres of the most beautiful barley crop I had ever raised. But I was fearful that year that we were going to have hailstorms, and this was a unique crop. This was a seed crop, and a high-volumn crop because it was a new, hydrosized barley. I had it insured. While I was rather fearful of the destruction of crop, as I watched it, I also knew I had protected my investment. I had done the right thing. It was a tool that was available in the market at that time, and it was affordable.

That was 25 years ago. Today, that tool doesn't exist at the level of affordability that it did in those days. As a result, farmers have walked away from crop insurance and have oftentimes during disastrous circumstances simply turned toward Washington to say to those of us who serve here: Help us.

What we are saying today with this legislation on the floor of the Senate is: Agriculture, help yourself. We are providing you with the ultimate of risk management tools, so you should not have to rely on a Federal Government to bail you out of a circumstance that is beyond your control. We give you the option, and we want you to use the option, providing for yourself as a stand-alone, private entrepreneurial entity of this economy.

This bill, however, provides a provision that concerns me, and it concerns the cattle producers of my State. The provision is federally-subsidized revenue insurance for livestock production. This could disrupt markets by masking market signals and create dependency on subsidies that could stimulate overproduction and create perverse incentives for producers who are striving to make sound, market-oriented management decisions.

The livestock industry of our Nation has never turned to the Federal Government to help them. They have received in situations of drought sometimes feed assistance, but there has been no program in the past that simply provided a level of stability to their income as has been true of other commodities produced by the agricultural sector. They are inherently worried about a Federal program that might create or cause market incentives that are not true to the livestock or beef industry market.

The beef industry is recovering now from a market downturn of the past few years. Relative to other segments of agriculture, the beef industry works unobstructed by Government pricing and direct payments to producers and other controls. This allows beef producers to make decisions about their own enterprises without having to worry about what Congress will do about the program or to the program. Cattle ranchers tell me they like it that way although it is sometimes very tough. I would like to see the beef industry continue down the path toward an open market approach, unstifled by any form of government involvement in their situation.

I hope in conference with the House we might work out this livestock provision in a way that will not create a preferred market incentive.

In my view, S. 2251 does the most for specialty crops and minor crop insurance of any proposal I have seen to date. Once again, I want to thank Senator ROBERTS, Senator KERREY, Senator LUGAR, and others who have directed a tremendous amount of their energy to resolving the issue of Federal crop insurance by presenting the legislation now before the Senate. I hope we will have a sizable vote on it tomorrow and that we can move it to conference with the House to work out our differences and put it on the President's desk at the earliest possible date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ICAO NOISE STANDARDS

Mr. INHOFE. Mr. President, I don't think there has been anyone in this body who has been more critical of the administration for the things that have taken place, for what has happened to our defense industry, for what has happened in many other problem areas that have come up, but I have to rise today to actually compliment the administration for an action that they took on March 14 of this year when they filed an article 84 action with the International Civil Aviation Organization, usually referred to as ICAO.

ICAO was put together as an organization where all of the nations that with aviation and commercial aviation would agree to certain standards so there is some degree of uniformity. They got together and determined we would have a noise standard that was classified as chapter 3.

The European Union, and I hate to say this, has demonstrated much arrogance. I guess they think that all of a sudden they have gone from a small fish in the pond to the big fish in the pond and they have totally disregarded agreements they have made. They signed an agreement, a trade agreement, an ICAO agreement with all of the other countries saying that by a certain date they would have to have chapter 3 noise level.

Then, not too long ago, they unilaterally decided they were going to abrogate that treaty and unilaterally say that they are going to not allow chapter 3 noise level unless it is done through new airplanes or re-engining, so a muffling system that takes it to the same noise level would not comply.

This means we in the United States are discriminated against. I think everyone is aware the big competition worldwide now is Boeing aircraft in the United States and Airbus in Europe. As a result of this, it gives a tremendous advantage to Airbus over Boeing. They would be financially discriminating against the U.S. in a way that would cost the United States and depreciate the value of the inventory of many of our Boeing aircraft.

The ''hush'' industry is a huge industry in the United States. They have been able to use this technology to bring down the noise level of existing aircraft to chapter 3 standards, and it shouldn't make any difference how we get to this level.

The administration has taken this into consideration when on March 14 they passed an article 84 against the European Union with ICAO. I think it is very significant. I know it will be a long and drawn out process, but I hope and I admonish the administration not to use the fact that it will be a long and drawn out process to go sideways or to cave in on this very critical issue to American workers and American manufacturers.

I can assure the administration that we will be working with them very closely to correct this action to be able to use any method that can be used that is on the market today in order to reach the chapter 3 noise standards.

I yield the floor.

CROP INSURANCE

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I come to the floor to stand in support of S. 2251, the crop insurance reform bill. I thank all of my colleagues on the Senate Agriculture Committee for the tremendous work they did in getting this bill to the floor. First and foremost, thanks goes to the chairman of the committee, Senator LUGAR, for his willingness to bring this issue up in a timely fashion, so we could get this legislation out of committee and to the floor to get some meaningful support for our Nation's farmers, particularly those farmers who are not participating in the current Crop Insurance Program.

Congress is reaching out to farmers, encouraging them to participate in the Crop Insurance Program to give them the kind of risk management tools they need to deal with the uncertainties of weather conditions, prices, et cetera, experienced in the past several years in agriculture.

I thank the chairman for his good-faith adherence to moving this bill in a prompt fashion. I thank in particular also Senator PAT ROBERTS of Kansas and Senator BOB KERREY of Nebraska for their incredible work with me as one of two Senators from the Northeastern part of the United States on the Agriculture Committee. They reached out to see what we could do in crafting a piece of legislation which would broaden the base of the Crop Insurance Program to include many areas of the country that have not participated in the old Crop Insurance Program, basically because it wasn't tailored to meet the needs of many regions of the country, particularly the Northeast.

Believe it or not, agriculture is the No. 1 industry in the Commonwealth of Pennsylvania. Most people don't realize that, but we also have the largest rural population of any State in the country. Agriculture is very important to the way of life for the millions in Pennsylvania who do not live in Pittsburgh or Philadelphia, who live in between those two cities in the great rural areas of our commonwealth.

We have the third lowest participation rate in crop insurance in the country. We are anywhere from single digits to reaching a high of about 20 percent participation of our farmers. It is a very small rate of participation. We need to encourage our very diversified farmers to get into this program to provide a safety net for them in the event of drought, floods, or other problems they may encounter in producing their crops.

There is an opportunity for them now with this bill. With about a third of the money in this bill devoted to specialty crops, it is a real opportunity for our fruit growers and for our vegetable growers—truck farmers, we call them—folks who produce potatoes up in the great northwestern part of our commonwealth, and a variety of other producers, as well as nursery men and women. Those are the folks who now cannot get any kind of help or support. We have provisions included for them in pilot programs. There is a real opportunity for risk management tools that many farmers in our States have not had the opportunity to enjoy.

Special thanks, again, go to Senator ROBERTS and Senator KERREY. They come from the bread basket, Nebraska and Kansas. Frankly, they understand very well the issues of agriculture. To their credit, they understood that if we were going to move forward with agriculture policy under Freedom to Farm, we would have to make sure that all areas of the country had the kind of tools necessary to be able to farm successfully. This legislation will go a long way in providing government aid to an area of the farming country that has been left behind in the past.

I heard Senator ROBERTS and I thank him for his kind comments. Senator ROBERTS talked about the battle we had on the floor of the Senate last year with respect to the agricultural supplemental.

There was a record drought, a 100-year drought in Pennsylvania, which caused about $1 billion in crop losses. It was a frustration to me in that there was a very small part of that bill which was designated to help farmers who had suffered as a result of that nonprogram crop, former program crop farmers. We have a very small percentage of those in Pennsylvania.

As a result, a lot of the help in that bill was in the form of AMTA payments. A very small percentage of our farmers in Pennsylvania receive any AMTA payments. As a result, the bill was of minimal help to our farmers. We tried to include some things for dairy and livestock and some things for specialty crops, and we were successful—I thank the Senator from Mississippi for including that—but it highlighted the concern that many of us in the Northeast have with the direction of farm

policy in the Senate and in the Congress generally.

In this legislation, for the first time in quite some time, we have seen a nod to the Northeast, saying what goes on up there is not insignificant. Pennsylvania, for example, is the fourth largest dairy-producing State in the country. New York is the third largest dairy-producing State in the country. We have real production agriculture in many States in the Northeast and that production agriculture needs to have the same tools available to be able to survive through the difficult times as other areas of the country. We may not have the frequency of disasters as in other areas of the country, and I understand that and respect that, but it does not mean we should have any fewer tools to be able to deal with the vagaries of the marketplace or the vagaries of the weather.

This bill does that. It does it in a very fair way, reaching out to farmers who have not participated in the program in the past. It eliminates some of the hurdles and obstacles which have limited our access in the past and I think will create a much stronger backbone for agriculture in Pennsylvania which we desperately need.

Rural Pennsylvania is lagging behind economically from the rest of the Commonwealth. We have record employment rates in metropolitan areas, but, still, some rural counties in Pennsylvania have double-digit unemployment rates where the principal economy is either mining or agriculture.

These kinds of tools to support farmers who are the backbone of that economy are very important to keep these farms operating through very difficult weather disasters. It is very important to have these tools available to our farmers at an affordable rate and to provide real coverage for these losses, not as we have seen in the past.

I again thank Senator LUGAR and particularly Senator ROBERTS and Senator KERREY for their outstanding work on this legislation. I hope we can move on this bill rather quickly, get this passed, and move forward to join with the House in a conference that can result in a strong, bipartisan piece of legislation to be sent to the President. I am enthusiastic about the product we have on the floor and hope we can take care of that quickly.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in support of the legislation before us. I think the crop insurance legislation before us this evening is very important. It is one of the pieces of legislation that should have been passed in 1996 when we passed the current farm bill. We promised farmers we were not only going to provide a safety net for them, we were also going to do what we could to expand trade, change the tax laws so they could better manage the highs and lows associated with on-farm income, spend more money for research, and provide a crop insurance program that provided a more opportunities to managing risk.

We still have not passed the necessary tax legislation. We have not done all we can do to promote trade in American agricultural products. And we have not done all we can to tear down the barriers to trade around the world. There is still a lot that should have been accomplished in 1996 that has not been done, but finally we are able to add one more thing that was promised in 1996. Now 4 years later, we are finally getting it done. What I am refering to is the ability of farmers to protect themselves from natural disasters over which they have no control by insuring for the productivity that they would normally experience in a good year.

This legislation will provide farmers in Iowa and across the country sound risk management opportunities that were promised in 1996. As everyone involved in agriculture knows, the weather is an unavoidable risk farmers must deal with every day. The Federal Crop Insurance Program was established to protect farmers from unavoidable risks such as adverse weather, plant disease, and insect infestation. There are two ways to respond. One is through a crop insurance program that farmers can manage and make their own participation decisions. This would be their decision, not my decision. The other way is through disaster relief. The farmer has little control over whether Congress will provide, at the time of a natural disaster, some disaster relief for him.

In most instances, Congress has responded. But that makes the individual family farmer a pawn of Washington. His welfare is based upon decisions that Members of Congress might make, which might not provide the relief that is needed.

Once again, the 1996 farm bill was meant to give farmers more control over their own destiny, with the proper tools. Crop insurance is one of those proper tools.

The agricultural community has recently been subjected to more than just unavoidable natural disasters. My neighbors in Iowa, where my son and I have a family farm have felt the brunt of the world economic crisis and its increased foreign competition and poor trade diplomacy. These factors have led to significant reductions of farm income.

Just last year, it was necessary for Congress to provide $8.7 billion in additional assistance to farmers. This was only a short-term fix, not a long-term solution. But it did keep a promise to the family farmers of America that we made in 1996 when we passed a 7-year farm bill. We set aside $43 billion to meet the obligations of the safety net in that farm bill because we thought $43 billion was enough. But nobody anticipated 4 good crop years with record yields, reduced prices, and the Far East financial crisis that reduced our exports.

The $43 billion that was set aside for the 7 year farm bill in 1996 was not enough to meet our promise of a smooth transition for farmers and the maintenance of a safety net. Consequently, we had to provide more money. In doing so we kept our commitment to the farmers of America to provide a strong safety net.

With the farm economy in the tank and the price of multiple commodities hitting 20-year lows last year, many individuals have decided to lash out against the 1996 farm bill.

I would be the first to admit that Government policy was partly responsible for the instability within the agricultural community. But that is not the farm bill. That is a lack of wise International Monetary Fund policy regarding loans to countries whose banks went in the tank, a seemingly passive pursuit of trade opportunities for agriculture, and Congress, for that matter, not giving the President the authority to negotiate. While I have found fault in the past in our inability to pass a substantive crop insurance bill and the administration's failed efforts to open markets for our agricultural commodities, I hope this bill remedies one of those shortcomings. This legislation provides a long-term solution to the agricultural community for risk management which better mediates the unavoidable risks farmers experience.

The Congress can do disaster relief with the political exigencies that are involved with that or it can promote risk management. Through this legislation, we are promoting risk management, giving farmers the tools to respond to and control their destiny rather than having Congress involved in the family farmers destiny.

This legislation is entitled the Risk Management for the 21st Century Act. It is bipartisan. It will accomplish many of the most important goals requested by my farm constituency.

This has been a bipartisan cooperative effort from the beginning because those of us who understand agriculture know this is the right thing to do. Senators PAT ROBERTS and BOB KERREY wrote an excellent piece of legislation. Senator CONRAD of North Dakota and I, along with Senator ROD GRAMS and Chairman DOMENICI of the Budget Committee, worked hard 12 months ago to provide sufficient budgetary authority to fund this blue ribbon reform proposal that is now before us.

By adopting this legislation, we will increase the affordability of crop insurance, make the program more flexible and more responsive to changing demands, improve the public-private

partnership, provide opportunities for livestock coverage—so that livestock farmers will have the same opportunity to better manage risk as crop producers have had in the past—and last, but certainly not least, equalize subsidies for revenue-based products.

This means a lot for my State of Iowa. Eighty-one percent of all corn and soybeans are insured in the State of Iowa; in other words, meaning 81 percent of the acreage that is planted to corn and soybeans is insured. 85 percent of the insured acres are covered by buy-up policies. And 65 percent of the insured acres in Iowa are covered by a revenue insurance product.

Iowa has the highest percentage of revenue coverage in the United States. This might reflect the idea that farmers in my home State of Iowa distrust Congress to respond with disaster relief more than farmers in any other State in the Nation. My farmers are taking the bull by the horns, making the independent judgment that each one of the 97,000 farmers in my State has an opportunity to make. They are managing their own risks by purchasing crop insurance and not relying upon the Congress to cover their losses.

This bill makes crop insurance more affordable, especially when it comes to revenue products. Iowa farmers will use the improved subsidy formula to benefit from the highest subsidy at the highest level of coverage. The higher levels of coverage will help to support family farmers in poor years and alleviate some of the need for what is becoming an annual economic relief payment. Economic relief payments will only end when we stop losing our foreign market share and increase agricultural exports for the one-third of our agricultural products that we produce beyond the necessity of domestic consumption.

If we do not export, we will shut down one-third of our production. By shutting down one-third of our production, we would not only be hurting farm income but obviously endangering our manufacturers. We would be manufacturing fewer John Deere tractors with fewer jobs at ''John Deeres,'' having less market for feed, for seed, fertilizer, and chemicals. There would be less income for farmers to buy products from the retail merchants of the small towns of America, and more of those small businesses in the small towns of America would go out of business.

When we talk about the necessity of exporting one-third of our products—because that is what we produce in excess of domestic production—we are talking not only about enhancing the income of the family farmers of America, but we are also showing the ripple effect that positive cash-flow has through the economy of rural America. We must reverse this trend to preserve small businesses and preserve numerous other enterprises in America, including the union jobs at John Deere and other farm manufacturers.

This program we have before us won't open new markets abroad for new commodities, but it will stabilize the potential losses my friends and neighbors could experience due to poor exports. This legislation will provide the security necessary to help farmers through lean years so they will be around to experience better prices and increased revenue in the future.

We have an opportunity tomorrow at 11 o'clock, when we vote on this bill, to provide the agricultural community with a tool, a very important tool to better manage the risks inherent in farming. Improving the Crop Insurance Program and ensuring that quality coverage is more affordable and better suited to the needs of farmers will only serve to provide much needed stability in rural America, not just stability among the family farms.

While we have more to accomplish to guarantee stability for the family farmer, this is a very important first step, a step that should have been accomplished in 1996 but wasn't. In so doing, it would have provided the farm bill more of the safety net as we promised. Today we are taking an important additional step. I appreciate the opportunity of fulfilling some of the unfulfilled promises made in 1996, to make the 1996 farm bill the landmark measure it was meant to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

TWO-YEAR ANNIVERSARY OF JONESBORO

Mr. LEVIN. Mr. President, this week we remember another tragedy in America's history, the 2-year anniversary of the school shooting in Jonesboro, AR. Two years ago this Friday, the Nation watched two boys, ages 11 and 13, open fire on their classmates, killing four young people and a teacher.

At the time the school shooting in Jonesboro had the distinction of being one of the Nation's bloodiest. We were stunned that two boys so young had so much anger in them, anger that was made deadly by access to more than a half a dozen guns and 3,000 rounds of ammunition. In 1998, the pastor of a church attended by one of the four children shot to death in Jonesboro said:

> Nothing touches us more than when our children are hurt. There's never been anything you could possibly compare this to.

He didn't know that over the next 2 years there would be school shootings in Georgia, Colorado, Oregon, Pennsylvania, and recently in my own home State of Michigan.

Sadly, these tragedies have not convinced Congress to act to try to take guns out of the hands of children. In the aftermath of Columbine, almost a year ago, the Senate passed a juvenile justice bill with moderate gun safety amendments designed to reduce juvenile access to guns. That bill has been stuck in conference committee for months, and legislative proposals to prevent juvenile access to guns has been stymied by this Congress.

Americans cannot understand why Congress has done nothing to prevent the tide of shootings in our schools and public places. Americans do not believe the National Rifle Association's rhetoric—the argument that guns don't kill people, people kill people. They are absolutely and utterly appalled by the most recent statement of the NRA that the President is ''willing to accept a certain level of killing to further his political agenda.''

I believe the NRA owes an apology to the American people for those incendiary comments by Wayne LaPierre, its executive vice president. His words represent the lowest level of personal attack that has been hurled against any President that I can remember. They cross the line of acceptable political debate. There should be an outpouring of revulsion, not just from persons who disagree with policies supported by the NRA but from the NRA's own members and from those who agree with its positions.

Americans may be divided on the need to pass gun-related legislation but are surely united when it comes to protecting the lives of our fellow citizens and our children.

I yield the floor.

TRIBUTE TO HERMAN WELLS

Mr. LUGAR. Mr. President, a beloved gentleman, Herman Wells, the former president of Indiana University, has passed away. We are thoughtful about Herman Wells in our State of Indiana, as are all Americans who were touched by this remarkable man.

I have mentioned the legion of Hoosiers who have talked about the profound and inspirational influence of Herman Wells on Indiana University and on individual student lives. Herman Wells made a big difference in my life. He chaired the Indiana Rhodes Scholar Selection Committee in 1953, which included, at the same time, President Fred Hovde of Purdue and Byron Trippett, the president of Wabash. This committee sent me to the scholarship finals in Chicago, where ultimately I was successful.

During the past 46 years, I visited frequently with President Wells about that selection committee, about our first meeting. He wrote about it in his memoirs. He has been extraordinarily supportive throughout that period of time in all of my aspirations.

I thank President Wells for all the opportunities we had to work together for Indiana University and for my State. I thank him for the extraordinary vision he had for this country. I counted on his counsel and his generous enthusiasm. I will miss him very much, as will all Hoosiers.

TRIBUTE TO CAPTAIN LOUIS V. MARCHETTE CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, I take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Captain Louis V. Marchette, upon his retirement from the Navy at the conclusion of more than 24 years of commissioned service. Throughout his distinguished career, Captain Marchette has truly epitomized the Navy core values of honor, courage, and commitment. It is my privilege to commend him for a superb career of service he has provided the Navy and our great Nation.

Captain Marchette was born in Ogden, Utah and grew up in a Marine Corps family. After graduating from the University of South Carolina with a Bachelor of Science degree in mechanical engineering, he was commissioned an Ensign in the Navy in 1976. Captain Marchette began his career as a line officer but soon found his true calling and transferred to the staff corps as a Civil Engineer Corps officer. His first assignment was with the Seabees of Naval Mobile Construction Battalion FORTY, homeported in Port Hueneme, California. In subsequent assignments, Captain Marchette was given some of the most challenging assignments the Navy Civil Engineer Corps had to offer.

As a junior officer, he served as Staff Civil Engineer, Naval Technical Training Center Corry Station, Pensacola, Florida; Assistant Public Works Officer, Naval Air Station Key West, Florida, and; Resident Officer in Charge of Construction, Barksdale Air Force Base, Louisiana. In recognition of his exemplary performance and construction engineering expertise, he was then assigned as Operations Officer, Naval Mobile Construction Battalion SEVENTY-FOUR, homeported in Gulfport, Mississippi. In this assignment, he directed contingency construction and military operations throughout Japan, Korea, the Caribbean, and Central America. He followed this tour with assignment as the Civil Engineer Corps Lieutenant Commander Assignment and Placement Officer, Bureau of Naval Personnel, his only tour within the ''Beltway.''

At this juncture, Captain Marchette had developed a truly outstanding reputation as a naval officer and engineer and he was rewarded with a variety of leadership opportunities to include, Public Works Officer, Naval Station Roosevelt Roads, Puerto Rico; Commanding Officer, Naval Mobile Construction Battalion ONE, homeported in Gulfport, Mississippi, and; Chief Staff Officer, 20th Naval Construction Regiment, Gulfport, Mississippi. On October 30, 1997, Captain Marchette took command of Naval Construction Battalion Center Gulfport, Mississippi, assuming the dual responsibility of Commanding Officer, 20th Naval Construction Regiment, the pinnacle of a most outstanding career.

In this capacity, Captain Marchette has spearheaded development of a world class mobilization complex capable of mobilizing Seabees for deployment anywhere in the world within 48 hours. Selfless commitment, exceptional technical prowess, and extraordinary accomplishment have been the hallmarks of this most outstanding professional. Whether restoring order for the Mississippi Gulf Coast in the aftermath of hurricanes, responding to military contingencies throughout the world, or maneuvering through periods of severe budget constraints, he provided unparalleled leadership, innovative concepts, and overall brilliant managerial insight in accomplishment of the Navy and our Nation's objectives. Under his dynamic leadership the Naval Construction Force has experienced dramatic improvements in comprehensive readiness, training attainment, mobilization, and manpower/equipment resourcing. In short, Atlantic Fleet Seabees are now better trained and better equipped to accomplish the mission as a direct result of Captain Marchette's efforts.

Captain Marchette holds a Master of Science degree in engineering from the University of Florida. He is a registered Professional Engineer in the State of Louisiana and a member of the Louisiana Society of Professional Engineers and the Society of American Military Engineers. He is a Seabee Combat Warfare Officer whose personal decorations include the Legion of Merit, five Meritorious Service medals, the Navy/Marine Corps Commendation medal, and Navy Humanitarian Service medal.

Captain Marchette's visionary leadership, exceptionally creative problem solving skills, and uncommon dedication have created a legacy of achievement and excellence. Having spent half his 24-year career in the great State of Mississippi, Captain Marchette and his lovely wife, Fran, are true Mississippians who have brought great honor and praise to our State. Captain Marchette will retire on July 1, 2000 after 24 years of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Captain Marchette fair winds and following seas. Congratulations on completion of an outstanding and successful career.

CHANGES TO H. CON. RES. 68 PURSUANT TO SECTION 204

Mr. DOMENICI. Mr. President, section 204 of H. Con. Res. 68 (the FY2000 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 204, I hereby submit the following revisions to H. Con. Res. 68:

[Dollars in millions]

Current Allocation to Senate Agriculture Committee:	
FY2000 Budget Authority	$10,843
FY2000 Outlays	7,940
FY2000–2004 Budget Authority	40,012
FY2000–2004 Outlays	24,704
FY2000–2009 Budget Authority	75,410
FY2000–2009 Outlays	45,523
Adjustments:	
FY2000 Budget Authority	.....
FY2000 Outlays	.....
FY2000–2004 Budget Authority	5,997
FY2000–2004 Outlays	5,227
FY2000–2009 Budget Authority	5,637
FY2000–2009 Outlays	5,667
Revised Allocation to Senate Agriculture Committee:	
FY2000 Budget Authority	10,843
FY2000 Outlays	7,940
FY2000–2004 Budget Authority	46,009
FY2000–2004 Outlays	29,931
FY2000–2009 Budget Authority	81,047
FY2000–2009 Outlays	51,190

FAA REAUTHORIZATION

Mrs. HUTCHISON. Mr. President, on March 7, 1959, history was made when the first aviator charted over a million miles in a jet. Although it seems commonplace today, at the time, traveling a million miles was indeed, an aviation milestone. Well, today, more than forty years later, we are considering another aviation milestone of sorts: a reauthorization of the Federal Aviation Administration which will be of significant benefit to our nation's communities, our air infrastructure and the flying public.

I represent a state that has an enormous amount of aviation. Texas is home to one of the Nation's busiest airports, DFW, but we also have 27 other primary airports, 21 designated reliever airports and more than 1600 other small airports that Texans depend upon to get from one place to another. Therefore, I recognize the importance of aviation to my state, the critical role my state plays in the national aviation system and the important of Airport Improvement Program funding in maintaining it.

This bill provides a framework and the necessary tools to responsibly and substantially fund our nation's air infrastructure as we have never done before. For the first time we will guarantee that all receipts and interest in the Air Trust Fund—totaling more than $33 billion—will be spent over the next three years for only aviation purposes. We will enhance air safety, allow local areas to provide for their financial needs, and assist our traffic controllers in watching our skies and protecting the flying public.

The Airport Improvement Program, on which so many of our airports rely, will see an increase of $1.9 billion this year alone. It will increase to as high as $3.4 billion over the next four years. This funding will allow our airports to make necessary improvements to their existing facilities and expand to accommodate the amazing growth that all of our nation's airports have seen in recent years. Additionally, the Military Airport Program, which helps to assist our current and former military airports by providing funds for needed structural improvements, will see a boost from twelve airports to fifteen designated and eligible this year, and 20 designees, thereafter.

In Texas, we are affected by both national and international air traffic growth. Traffic to Latin America in the next few years is set to exceed capacity and place an even larger burden on neighboring air route systems. This will affect traffic in the Gulf of Mexico, in particular, where traffic is controlled in large part by the air traffic control center in Houston.

In fact, this is one important area where improvements are greatly needed. A large portion of the Gulf of Mexico remains without visual communication on radar, nor sufficient two-way communication, in general. Traffic in much of the gulf is controlled solely by one-way radio communications. The Gulf of Mexico airspace accommodates passenger airlines serving destinations worldwide, cargo and general aviation traffic engaging in air commerce, and heavy helicopter traffic serving the offshore petrochemical industry. It also serves important users such as our armed forces, Coast Guard, Customs Service, and the Drug Enforcement Agency. All aircraft, from large commercial planes, to military aircraft, to helicopters need to have direct two-way communication to protect the safety of all those who fly these skies.

Currently, if a craft hits turbulence due to poor weather and seeks to ascend or descend the pilot must radio in to a controller, who must check the frequency and the surrounding traffic and then dial and pilot back and advise him on altering his position. One-way communication alone simply to reach the controller can take as long as seven minutes, and as long as fifteen minutes total to relay back to the controller. This is unacceptable for a pilot who needs to respond immediately to escape violent turbulence and blindly must change his altitude. This frightening scenario could be all too real and common as air traffic grows.

The FAA Gulf of Mexico Task Force was formed to highlight the problems in the gulf and recommend solutions. More than 100 individuals representing the Federal Aviation Administration, airlines, the military, and others in the industry have come together to address this problem and seek an expeditious and thorough remedy. We can wait no longer to let this safety hazard go unaddressed. This bill gives the FAA the tools to begin to remedy this situation.

This bill is a step in the right direction to provide for our aviation needs, both on the ground and in the sky. By putting our Aviation Trust Fund dollars to work we can help all airports large and small provide for their needs. We can ensure that our skies are safe, our airports are secure and that our controllers have modernized tools to accommodate the growing air traffic demand.

I am pleased that the Senate has decided to pass this important legislation.

EDUCATION BLOCK GRANTS

Mr. KENNEDY. Mr. President, on Saturday, March 11, an editorial in the New York Times emphasized the significant concerns about the Republican education block grant proposal which was recently approved by the Health, Education, Labor and Pensions Committee. As this editorial points out, education block grants to states would not be the most effective use of public tax dollars. Block grants do nothing to ensure change and reform through proven effective methods such as a: well-qualified teacher in every classroom; reduced class sizes to give children the individual attention they need and allow teachers to maintain order and discipline; helping all children to meet high standards; and holding schools accountable for improving student achievement and giving the neediest children the extra help they need. Education is a high priority for states, communities, teachers, parents, and students throughout the country, and it is important that we listen to them as we consider the reauthorization of the Elementary and Secondary Education Act in the full Senate in the weeks ahead.

I believe that the editorial will be of interest to all of us concerned about this issue, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 11, 2000]

MISDIRECTED EDUCATION MONEY

Congressional Republicans, who in 1995 wanted to abolish the federal Department of Education, now acknowledge that federal support for education is necessary. But their misguided insistence on sending federal education aid to the states in the form of large, unfocused block grants threatens to undermine services for disadvantaged students in the poorest districts.

The federal government currently contributes less than 10 cents of every dollar spent on public schools. That contribution, though small, is crucial because much of the money is directly aimed at especially needy schools in poor communities. The Senate is now in the process of reauthorizing the 1965 Elementary and Secondary Education Act, the law that governs how more than $15 billion in annual federal aid to public schools is spent. The House has been working through similar legislation in several smaller bills.

The Republicans in both the Senate and House want to roll a number of aid programs, including the Title I program that provides $8 billion a year for instructional support for disadvantaged children, into a single general block grant that would allow states to spend the money with less accountability and less focus on the neediest students.

Last October the House passed the ''Straight A's'' block-grant bill that creates a 10-state pilot project. This week the Senate Health, Education, Labor and Pensions Committee approved a broad measure that would allow all states to receive most of their federal school aid in the form of a block grant. Although the measure would require that states allocate Title I money in the block grant to school districts on the basis of poverty, it would also make available more than $3 billion of block grants without targeting high-poverty areas. State governors could direct the money toward any ''educational purposes,'' including private school vouchers.

The Senate committee also approved an amendment sponsored by Judd Gregg, Republican of New Hampshire, that would allow 15 states to join a separate pilot project that would make available a higher level of block grants with even less federal oversight.

The Republicans want to give states flexibility. But their proposals do not create adequate mechanism to ensure that funds are spent effectively or where they are most needed. Block grants could also become targets for cuts because they are unfocused and susceptible to misuse. The Democrats and the Clinton administration are right to oppose them. Congress should be guiding the states in education reform by asking them to focus on specific targets—better teachers, smaller classes and higher standards—for all students, but particularly for the most disadvantaged. The Republican approach runs counter to that purpose.

PRESIDENT'S TRIP TO INDIA

Mr. GRAMS. Mr. President, I rise to speak in support of President Clinton's trip to India. For too long, the cold war, and India's leadership of the nonaligned movement, strained what should have been the natural bond between our two great democracies. The end of the cold war has now brought us together. India is a true friend to the United States in a region where respect for democracy is rare.

India has made great strides since achieving independence. Literacy has doubled, life expectancy has doubled, and infant mortality has been more than halved. However, India recognizes that commitment to democracy must be accompanied by free-market principles in order for prosperity to flourish. India's initial pursuit of socialist economic policies, including nationalizing production, subsidizing industries, and raising tarriffs and other trade barriers, while imposing high taxes, caused its economy and its people to suffer.

With the end of the cold war, India's experiment with a centralized economic system is waning. India is starting to liberalize the economy, prompting foreign investment and reducing barriers to trade. The results are encouraging: India's growth rate, which had been stuck at 3 percent, is now exceeding 6 percent, and the outlook is promising for further improvement. While a commitment to socialism may still be enshrined in its Constitution, the economic reforms India is embracing are clearly leading the nation in a positive, new direction. For example, India's prowess in the high-technology sector makes it an able partner in that area. The recent decision to open its insurance and telecommunication sectors to foreign investors is emblematic of the kind of changes that will enable India to achieve its potential.

Mr. President, the only shadow over President Clinton's visit is the eruption of violence in Kashmir. Indian and Pakistani troops started exchanging

heavy artillery fire along the disputed border a day ahead of his arrival in the region. While Kashmir has been a source of conflict between India and Pakistan for nearly a half century, the recent nuclear and ballistic missile tests by India and Pakistan have compelled the international community to increase pressure on the parties to resolve this dispute. There has been a recognition of the very real danger that Kashmir could become the ''flashpoint'' which sparks a wider regional war. I hope President Clinton uses this visit to encourage officials of India and Pakistan, and representatives of the people of Jammu and Kashmir, to begin an official dialogue.

Mr. President, there is an Indian saying that, ''it is the spirit of the quest that determines its outcome.'' The President's trip is an important symbol of the renewed spirit of cooperation between the United States and India. I look forward to the achievements we will reach together, as both partners and friends, in the next half century.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 21, 2000, the Federal debt stood at $5,728,846,067,846.82 (Five trillion, seven hundred twenty-eight billion, eight hundred forty-six million, sixty-seven thousand, eight hundred forty-six dollars and eighty-two cents).

Five years ago, March 21, 1995, the Federal debt stood at $4,843,694,000,000 (Four trillion, eight hundred forty-three billion, six hundred ninety-four million).

Ten years ago, March 21, 1990, the Federal debt stood at $3,020,865,000,000 (Three trillion, twenty billion, eight hundred sixty-five million).

Fifteen years ago, March 21, 1985, the Federal debt stood at $1,709,314,000,000 (One trillion, seven hundred nine billion, three hundred fourteen million).

Twenty-five years ago, March 21, 1975, the Federal debt stood at $505,306,000,000 (Five hundred five billion, three hundred six million) which reflects a debt increase of more than $5 trillion—$5,223,540,067,846.82 (Five trillion, two hundred twenty-three billion, five hundred forty million, sixty-seven thousand, eight hundred forty-six dollars and eighty-two cents) during the past 25 years.

ADDITIONAL STATEMENTS

EDUCATION REFORM

● Ms. LANDRIEU. Mr. President, I thank my colleagues, Senator LIEBERMAN and Senator EVAN BAYH, for their leadership on this important issue. I am proud to stand with them and several others in support of an outstanding piece of legislation, one which calls for us to reinvent the federal funding stream, reinvest in our children's education and, perhaps most importantly, hold the system responsible when it fails to work for our kids. Over the past year, we have worked together with individuals and organizations from all fifty states, in an effort to craft a bill which reflects the concerns of all those involved in elementary and secondary education in America. We spoke with parents, teachers, principals, administrators and, most importantly, the students. In doing so, we came to this rather simple conclusion, we owe our children more than we are giving them. The future of this country depends on how well we are able to educate our children and prepare them for the changing global marketplace. In order to raise academic achievement in our public schools, we must put the priority of federal programs on performance instead of process, on delivering results instead of developing rules and on actively encouraging bold reforms instead of passively tolerating failure.

It is true that the Federal Government only contributes 7% to the overall spending in elementary and secondary education. But it is an important 7%, the portion which is directed to the most needy and challenged children. We must begin to use this $13 billion annually as leverage to promote national priorities such as quality teachers, smaller schools, lower teacher pupil ratios and raising the academic performance of minority and disadvantaged students. By streamlining the many different programs and funding streams currently under ESEA, over sixty to be exact, into six goal oriented titles we put the day to day decisions of education back where it belongs, at the local level.

With this added flexibility, we propose to double our contribution to Title I schools. As many of us know, Title I funding is essential for bridging the ever increasing gap in the quality of education available for the rich and the poor. In Louisiana, this would mean a $100,000,000 increase to support existing Title I programs as well as additional funding to develop and implement new and innovative strategies for improvement.

Of course, we all agree that those who are in the class room should be qualified and confident to teach the subjects they are assigned to teach, yet we must ask ourselves what are we doing to ensure that they are. What are we doing to attract the best and the brightest to the classroom? This bill would increase the funding available to states for the professional development of teachers to $3 billion. With this money, states could develop and maintain programs to address the increasing national teacher shortages and retain the quality teachers. It supports efforts like Troops to Teachers and other transitional teaching programs. Most importantly, it requires that those who teach our children are competent to do so.

And finally the third and final R—Responsibility. Our proposal calls for the Federal government to rededicate ourselves to the basic principles of accountability and consequences. In my view, accountability is an essential ingredient in any recipe for success.

As parents, how many of us would offer to pay our child a $10 or other incentives for every F they received on their report card? As investors, how many of us would double our investment in a company that continued to show poor earnings? Yet this is exactly what we continue to do in public education at the local and state level, we continue to fund failure and we do not reward progress. It is time to change that approach, it is not working. This proposal gives local educators the freedom they need to meet their specific needs, since they know best what their students require. However, it also requires that they meet specific performance measures—with real consequences for failure.

I am proud to say that Louisiana has been a leader in the call for accountability in public education. According to a recent report on accountability, ''Louisiana has one of the Nation's most comprehensive accountability systems including ratings and consequences for schools, exit tests for students to graduate from high school and monetary rewards for successful schools.'' By using the carrot and stick approach, Louisiana has begun to see some positive results. A recent National Assessment of Educational Progress study found that Louisiana was one of only seven states that achieved significant gains between 1992 and 1994 in the percentage of fourth graders reading at proficient level or above.

In 1994, we decided, as a nation, that states should be held more accountable. Therefore, we attached Title I funding to standards based assessments to force states to take a long hard look where improvements needed to be made. But we did not go far enough in making sure that the consequences for not meeting these assessments were real. Under Three Rs we do. Right now, regardless if a state or local agency is making the grade, they receive equal funding. We aim to change that. Like a parent, we need to encourage schools to strive to achieve. We need to begin to reward them for A's not F's.

We also make accountability mean more than statewide tests. We create a funding structure that encourages states to implement an accountability system which includes report cards that summarize the performance of individual schools; targeted assistance to help schools improve; rewards for schools with high performance and the authority to close or take over and reconstitute schools that don't get better over time. In other words, real accountability.

Also, this proposal ensures that state and local educational agencies have systems for additional or specialized

assistance for children who are struggling to perform. Implementing a policy to end social promotion before ensuring appropriate school accountability and the opportunity for all students to learn in well equipped schools with high quality teachers is fundamentally unfair and must be stopped.

In closing, I would again like to thank my esteemed colleague from Connecticut. Because of his leadership and insight, this bill promises to bring about great change in public education. It is a bold step in the right direction. A step I am happy to join him in making.●

RECOGNITION OF PALADIN DATA SYSTEMS' SUPPORT OF THE WESTSOUND CONSORTIUM

● Mr. GORTON. Mr. President, when I travel across Washington state, one of the first topics I hear about from local businesses and high-tech companies is their need for people with high-tech skills. A Poulsbo company, Paladin Data, has taken their efforts to find skilled employees to a new level by donating is time and resources to train teachers in some of Washington state's public schools. For its commitment to working with teachers, improving student learning and expanding their skills, I am pleased to present Paladin Data with one of my 'Innovation in Education' Awards.

Several years ago, seven school districts in Kitsap, Mason, and Pierce Counties developed the West Sound School-to-Career Consortium which provides approximately 14,000 students with high-tech classes. This year Paladin Data will begin its first year of a three-year project that provides high-tech training to teachers involved with the West Sound School-to-Career program. Paladin data is also contributing $50,000 in matching funds to a state grant of $100,000 to provide needed curriculum materials and onsite teacher training in either a Paladin facility in Poulsbo or at a designated school district site. Moreover, each school district will determine what training their teachers will receive based on the needs of their district and their students.

Paladin is giving our teachers more information and skills that they can take back to their classrooms and shows teachers what skills employers are looking for in perspective employees, giving their students a leg up on the competition. Paladin's involvement is not only improving the education of our students, but also giving them an accurate picture of what skills they need well-before they enter the job market.

The Washington Software Alliance reports that over 64,000 computer-related jobs are currently unfilled in the State of Washington—all for lack of properly trained workers. I find it encouraging to see companies like Paladin Data, that are contributing to our booming economy, are taking an active role in ensuring the quality education of our children. I am proud to acknowledge Paladin Data System Systems Corporation's commitment to education and I look forward to hearing about more companies making a contribution to our children's future.●

THE U.S. DEPARTMENT OF ENERGY'S UNDERGROUND NUCLEAR WEAPONS TESTING ORIENTATION PROGRAM CELEBRATES ANNIVERSARY

● Mr. BRYAN. Mr. President, as Vice Chairman of the Senate Select Committee on Intelligence, it is my great pleasure to congratulate the men and women of the U.S. Department of Energy, Nevada Operations Office, the National Laboratories, and affiliated contractors who celebrate the 20th anniversary of the Underground Nuclear Weapons Testing Orientation Program this year. This proliferation training course based at the Nevada Test Site has trained over 500 U.S. Government policy makers and analysts from the arms control, intelligence, and defense communities since its inception in 1980.

This course provides briefings by subject matter experts from DOE and the Labs, to include an overview of how the U.S. historically conducted atmospheric and underground nuclear weapons tests and effects tests, the basis for diagnostic experiments, the challenges of stockpile stewardship, and the process for executing subcritical experiments. Through lectures, discussion, and orientation visits to underground facilities, control rooms, former ground zeros, equipment yards, and nuclear test artifacts, the course provides hands-on experience that goes to the core of nuclear weapons testing. The course also provides essential information suitable to contrast with foreign nuclear weapons testing programs.

The efforts of the DOE staff in Nevada are to be commended. It is their dedication in the planning and execution of this course that will train the next generation of intelligence analysts, collectors, managers, consumers and policy officials with responsibility for nuclear programs, proliferation, arms control, and related disciplines. It is my hope that they will continue this essential training course for many years to come.●

FILING OF ARTICLE 84 WITH ICAO

● Mr. INHOFE. Mr. President, I am pleased that the State Department has filed an Article 84 petition with the International Civil Aviation Organization (ICAO). This will provide the basis for the United States to demonstrate that the European Union's (EU) hushkit regulation is not in accordance with international noise standards set by ICAO and is essentially targeting U.S. aerospace. Already this unfair regulation has hurt U.S. aerospace companies and workers because of the uncertainty it has introduced into the marketplace. Accordingly, it is imperative that the Administration pursue this Article 84 forcefully to show that we will not stand for discriminatory rules that hurt U.S. interests. If we do not make this point clearly, strongly, and now, we will have done nothing to prevent future efforts by the EU to act without regard to international standards and in ways designed to harm the United States' longstanding primacy in aerospace.

Filing an Article 84 is the beginning of what may be a long process. The mere fact that it may take a period of time should not serve as an inducement to the Administration to seek to shortcut the ICAO process by entering into a negotiated settlement that does not fully protect our aerospace industry and workforce. Further, we must make clear that the principle of adhering to international standards is essential in an industry as global as aviation. If we fail to demonstrate the seriousness with which we take this matter, we will inevitably have done nothing more than encourage the EU to try such incursions in the future.

I can assure you that I and many others will be working to see that the right message is delivered on this critical matter.●

44TH ANNIVERSARY OF TUNISIA'S INDEPENDENCE

● Mr. INOUYE. Mr. President, I rise today in recognition of Tunisia, an old and devout friend and ally to the United States. March 20, 2000 marked Tunisia's 44th anniversary of Independence.

In 1797, Tunisia and the newly independent United States signed a ''treaty of Amity, Commerce and Navigation.'' The pact provided for ''perpetual and constant peace'' between the parties. For more than 200 years, our two nations have enjoyed such a relationship. During World War II, Tunisia suppressed nationalistic sentiment to join the ranks of the Allied Forces and then supported western democratic ideals during the Cold War proving the U.S. could count on Tunisia. If all our foreign relationships were as faithfully observed as this one, our foreign relations would be more serene.

In the face of the ever-present strife that surrounds Tunisia, with its location between Algeria and Libya, the country has managed to maintain internal stability. With its steadily increasing economic growth, Tunisia has built a stable middle class society. This growth has allowed Tunisia to become a strategic partner in the growing African market.

The United States has benefitted greatly from its strong and prosperous relationship with Tunisia. We can not forget our friend in Africa who has stood by our side throughout our country's history.●

TRIBUTE TO WILLIAM J. CRAWFORD

● Mr. ALLARD. Mr. President, yesterday in Colorado, at the chapel of the United States Air Force Academy, our country buried a hero.

William J. Crawford, a recipient of the Congressional Medal of Honor, passed away March 15th at the home he built himself in Palmer Lake, Colorado. And while Mr. Crawford won the Congressional Medal of Honor—our nation's highest award—specifically for his actions during World War Two on a hill in Italy, he showed that the medal was well deserved by the actions of each and every day of his life.

On September 13th, 1943, Private Crawford and his 3rd Platoon, 1st Company, 36th Infantry Division were attacking Hill 424 near Altavilla, Italy. The platoon was pinned down by intense machine gun fire. Private Crawford, without orders and on his own initiative, singlehandedly destroyed the machine gun and allowed the rest of his platoon to advance. Later, the platoon was again blocked, this time from two enemy machine gun positions and small arms fire. Private Crawford once more went into action, destroyed both gun positions, and turned a captured German weapon on the withdrawing enemy, facilitating the company's advance.

As his Medal of Honor citation says, this was an act of ''conspicuous gallantry . . . . above and beyond the call of duty.'' But Mr. Crawford's sacrifice for his country went further. He was captured during the same battle later that day, and eventually served 19 months in a German POW camp. The Army thought he had been killed, and actually awarded his Medal posthumously to his father. It was not until 1984 that a ceremony was held presenting the Medal to William himself. President Ronald Reagan had that honor, at the annual commencement ceremony held at the Air Force Academy.

Every year, Mr. Crawford attended that graduation to present the Outstanding Cadet award. Because Private Crawford, even after his bravery, even after 19 months in a POW camp, and even after an additional 22 years of post-war service to his country, continued to serve his nation. After his retirement in 1967, Mr. Crawford took a job as a janitor at the Air Force Academy. It let him supplement his retirement pay, and—more importantly—kept him around the armed forces life, and in contact with the future leaders of our military, young officers who can always use a outstanding role model of sacrifice, service, and modesty. In his last years he was very active with children, speaking to and teaching them about WWII, and serving as a shining example of dedication and patriotism.

Mr. Crawford's life was one of service: from the gallantry in combat to the less intense but also important roles as mentor, community volunteer, scoutmaster, and role model. As that life ends, as we honor a departed hero, we also recognize the continuance of the memory and legacy of a life well lived. Thank you, Mr. Crawford.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Sherman 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.)

THE ANNUAL REPORT FOR FISCAL YEARS 1996, 1997, AND 1998 OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT—PM 94

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 Health, Education, Labor, and Pensions.

To the Congress of the United States:

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1996–1997, and the annual report for fiscal year 1998.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 22, 2000.*

THE ANNUAL REPORT FOR 1998 OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 95

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 Health, Education, Labor, and Pensions.

To the Congress of the United States:

I am pleased to transmit the 1998 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with advancing knowledge and public education in the humanities. Throughout 1998, the agency provided crucial support to hundreds of research and educational projects throughout the United States and its territories. The Endowment also provided grants to innovative educational projects employing the latest computer technologies, as well as to efforts to preserve library and archival resources and make such resources available to schools, scholars, and citizens.

In 1998, the NEH continued to exercise leadership in applying technology to the humanities. The Endowment launched Schools for a New Millennium, a program that provides funding to schools to further humanities education through the creative use of new technologies. In Lawrence, Kansas, one Schools for a New Millennium project is digitizing photographs and historical documents for use in junior high classrooms. The Endowment also extended its Internet strategy by expanding its EDSITEment project in partnership with the Council of Great City Schools and MCI WorldCom, more than doubling the number of high quality humanities sites available to students and teachers.

I am especially pleased by another of the agency's partnerships employing both the Internet and traditional broadcasting. The Endowment is partnering with the White House Millennium Council on the presentation of ''Millennium Evenings at the White House,'' a series of showcase events that explore the ideas and creativity of the American people on the eve of a new millennium. These programs feature prominent scholars and creative thinkers and are accessible to the public by satellite and cable broadcasts, and many State humanities councils are coordinating local downlink sites. With support from SUN Microsystems, these lectures and discussions are cybercast live from the East Room in the White House. Viewers can submit questions via the Internet to the guest speaker or to the First Lady and me.

The NEH is well-known for its support of documentary films based on a collaboration between filmmakers and humanities scholars. In 1998, the Endowment maintained this tradition of excellence with its support of ''Eleanor Roosevelt,'' which drew upon outstanding new historical scholarship, archival films, photographs, and firsthand testimonies to paint a vivid portrait of one of America's most outstanding women.

The Endowment's grants also addressed the long-term needs of the Nation's cultural and academic institutions. In 1998, the NEH created a special program designed to aid the Nation's public libraries in serving the public with humanities programming. Among the institutions aided in 1998 by Challenge Grants was the African American Research Library and Cultural Center, a new facility created by the Broward County Public Library to serve Broward County's growing and diverse population.

Through its Preservation Programs, the NEH is preserving the content of hundreds of thousands of brittle books, periodicals, and American newspapers—priceless sources for present and future historians and scholars. The Endowment's initiative to save such materials is now entering its tenth year, and will preserve nearly a million books and periodicals by the time it is completed. The U.S. Newspaper

Project, an equally important effort to microfilm historic newspapers, is creating a comprehensive national database for scholars, students, and citizens who wish to research their community's history.

In November 1998, the First Lady and I joined the Endowment in honoring at the White House nine distinguished Americans with the National Medal of the Humanities. Through these awards and its grants programs, the National Endowment for the Humanities recognizes and promotes outstanding efforts to deepen public awareness and understanding of the humanities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 22, 2000.*

MESSAGE FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the ''Captain Colin P. Kelly, Jr. Post Office.''

H.R. 1680. An act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day.

The message further announced that pursuant to section 8162(c)(3) of Public Law 106–79, the Speaker has appointed the following Members of the House to the Dwight D. Eisenhower Memorial Commission: Mr. THORNBERRY of Texas, Mr. MORAN of Kansas, Mr. MOORE, and Mr. BOSWELL.

The message also announced that pursuant to section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), the Minority Leader has appointed the following individuals on the part of the House to the Ticket to Work and Work Incentives Advisory Panel: Mr. Jerome Kleckley of New York, to a 4-year term and Ms. Frances Gracechild of California, to a 2-year term.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the ''Captain Colin P. Kelly, Jr. Post Office''; to the Committee on Governmental Affairs.

H.R. 1680. An act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 2262. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2263. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3081. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, 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–8044. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the implementation of the Age Discrimination Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

EC–8045. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health AIDS Research Loan Repayment Program for FY 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–8046. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institute of Child Health and Human Development Contraception and Infertility Research Loan Repayment Program for FY 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–8047. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globin (Human); Confirmation in Part and Technical Amendment'' (Docket No. 98N–0608), received March 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8048. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 99F–0461), received March 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8049. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the FY 1999 annual performance report; to the Committee on Health, Education, Labor, and Pensions.

EC–8050. A communication from the General Counsel, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled ''Final Rule on Business Practice Standards for Open Access Same-time Information Systems (OASIS) Transactions'' (RIN1902–AB78), received March 20, 2000; to the Committee on Energy and Natural Resources.

EC–8051. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service; The Career Conditional Employment System; Promotion and Internal Placement'' (RIN3206–Ai51), received March 20, 2000; to the Committee on Governmental Affairs.

EC–8052. A communication from the General Counsel, Cost Accounting Standards Board, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled ''Cost Accounting Standards Board; Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage; Interim Rule'', received March 15, 2000; to the Committee on Governmental Affairs.

EC–8053. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Audit of the District of Columbia Sports and Entertainment Commission for Fiscal Years 1996 through 1998''; to the Committee on Governmental Affairs.

EC–8054. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for February 2000; to the Committee on Governmental Affairs.

EC–8055. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report on the accomplishments of the Office for Victims of Crime for fiscal years 1997 and 1998; to the Committee on the Judiciary.

EC–8056. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Nutrient Content Claims, Definition of Term: Healthy'' (RIN0583–AC65), received March 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8057. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation and Interstate Movement of Certain Land Tortoises'' (Docket #00–016–1), received March 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8058. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Modification of the 'Vegetable Protein Products' Requirements for the National School Lunch Program, School Breakfast Program, Summer Food Service Program and Child and Adult Care Food Program'' (RIN0584–AC82), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8059. A communication from the Acting Executive Director, Commodity Futures

Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Electronic Signatures by Customers, Participants and Clients of Registrants'' (RIN3038–AB47), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8060. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption from Registration as a Commodity Trading Advisor'' (RIN3038–AB48), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8061. A communication from the Inspector General, Department of Agriculture, transmitting a report of the Audit of the Management of USDA Program Complaints by the Department's Office of Civil Rights; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8062. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health Clinical Research Loan Program for Individuals from Disadvantaged Backgrounds; to the Committee on Health, Education, Labor, and Pensions.

EC–8063. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Devolution of Corporate Governance Responsibilities'' (RIN3069–AA96), received March 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8064. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Membership Regulation Advances Regulation'' (RIN3069–AA94), received March 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8065. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation Y (Bank Holding Companies and Change in Bank Control); Capital Adequacy Guidelines'' (Docket No. R–1067), received March 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8066. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation Y (Bank Holding Companies and Change in Bank Control); Conduct of Merchant Banking Activity'' (Docket No. R–1065), received March 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8067. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation H (Membership of State Banking Institutions in the Federal Reserve System)'' (Docket No. R–1066), received March 16, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8068. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation Y (Bank Holding Companies and Change in Bank Control); Financial Holding Companies'' (Docket No. R–1057), received March 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8069. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Coverage of, and Payments for, Paramedic Intercept Ambulance Services'' (RIN0938–AH13), received March 20, 2000; to the Committee on Finance.

EC–8070. A communication from the Chief, Regulations Unit, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority (T.D. ATF–425)'' (RIN1512–AB98), received March 16, 2000; to the Committee on Finance.

EC–8071. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revision of Revenue Procedure 80–18 to Reflect Repeal of U.K. Act'' (Rev. Proc. 2000–13) (RP–105329–99), received March 15, 2000; to the Committee on Finance.

EC–8072. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2000 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2000–17), received March 15, 2000; to the Committee on Finance.

EC–8073. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Quarterly Interest Rates—April 2000'' (Rev. Rul. 2000–16), received March 15, 2000; to the Committee on Finance.

EC–8074. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeal Settlement Guidelines Excess Moisture'' (UIL:4121.01–01), received March 15, 2000; to the Committee on Finance.

EC–8075. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 817(h) Diversification Requirements for Variable Annuity Contracts'' (Notice 2000–9), received March 15, 2000; to the Committee on Finance.

EC–8076. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Waiver of Form SS–4 Signature Requirement'' (Notice 2000–19), received March 15, 2000; to the Committee on Finance.

EC–8077. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Use of Penalty Mail in the Location and Recovery of Missing Children'' (TD 8848), received March 15, 2000; to the Committee on Finance.

EC–8078. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Air-Carrier Pilot Pre-Employment Screening Standards and Criteria Study''; to the Committee on Commerce, Science, and Transportation.

EC–8079. A communication from the Deputy 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 ''Pacific Halibut Fisheries; Catch Sharing Plans'' (RIN0648–AM52), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8080. 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 ''Fisheries of the Exclusive Economic Zone Off Alaska; A Cost Recovery Program for the Individual Fishing Quota Program'' (RIN0648–AJ52), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8081. 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 ''Closes Directed Fishing for Pacific Cod for Inshore Processing Component in the Western Regulatory Area of the Gulf of Alaska'', received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8082. 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 ''Closes Directed Fishing for Species in the Rock sole/Flathead sole/'Other flatfish' Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'', received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8083. 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—Closes Pacific Cod Fishery by Vessels Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'', received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8084. 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 by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'', received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8085. 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—Closes Hook-and-Line Gear Groundfish Except for Sablefish or Demersal Shelf Rockfish in the Gulf of Alaska'', received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8086. 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 Area Off Alaska—Pollock Closure in Statistical Area 620 Outside the Shelikof Strait Conservation Area in the Gulf of Alaska'', received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8087. 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; San Juan Harbor, PR'' (RIN2115–AA97) (2000–0004), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8088. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; School Bus Body Joint Strength; Final Rule; Technical Amendment; Response to Petition to Delay Effective Date'' (RIN2127–AH84), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8089. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Uniform Criteria for State Observational Surveys of Seat Belt Use'' (RIN2127–AH46), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8090. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Anthropomorphic Test Devices; 3 Year Old Child Crash Test Dummy'' (RIN2127–AG77), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8091. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Safety Fitness Procedures; Safety Fitness Rating Methodology'' (RIN2126–AA43), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8092. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of a Single Individual Contemporaneously Acting as the Qualifying Individual for Both an Ocean Freight Forwarder and a Non-Vessel-Operating Common Carrier'' (FMC Docket No. 99–23), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8093. A communication from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Sea Grant Minority Serving Institutions Partnership Program: Request for Proposals for FY 2000'' (RIN0648–ZA80), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8094. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (4); Amdt No. 421 (3–17/3–20)'' (RIN2120–AA63) (2000–0002), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Three Jet Routes; Bellingham, WA; Docket No. 00–ANM–04 (3–10/3–16)'' (RIN2120–AA66) (2000–0066), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8096. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Estherville, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–54 (3–20/3–20)'' (RIN2120–AA66) (2000–0070), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8097. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Marshall, MO; Correction; Direct Final Rule; Confirmation of Effective Date and Correction; Docket No. 99–ACE–51 (3–10/3–16)'' (RIN2120–AA66) (2000–0068), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8098. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Whitesburg, KY; Docket No. 99–ASO–1 (3–10/3–16)'' (RIN2120–AA66) (2000–0067), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8099. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Bonham, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–34 (3–20/3–20)'' (RIN2120–AA72) (2000–0072), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Fort Stockton, TX; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–09 (3–20/3–20)'' (RIN2120–AA66) (2000–0073), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8101. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (71); Amdt. No. 1978 (3–14/3–20)'' (RIN2120–AA65) (2000–0016), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8102. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (16); Amdt. No. 1980 (3–14/3–20)'' (RIN2120–AA65) (2000–0015), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8103. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (81); Amdt. No. 1979 (3–14/3–16)'' (RIN2120–AA65) (2000–0014), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8104. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737 Series Airplanes; Docket No. 98–NM–57 (3–15/3–16)'' (RIN2120–AA64) (2000–0141), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8105. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 99–NM–73 (3–20/3–20)'' (RIN2120–AA64) (2000–0157), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8106. A communication from the Program Analyst, 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–58 (3–20/3–20)'' (RIN2120–AA64) (2000–0161), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8107. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99–NM–22 (3–20/3–20)'' (RIN2120–AA64) (2000–0162), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8108. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Series Airplanes; Docket No. 99–NM–237 (3–20/3–20)'' (RIN2120–AA64) (2000–0163), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8109. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model BAe 140–a00A, –200A, and –300A Series Airplanes Equipped with Allied Signal ALF502R Series Engines; Docket No. 98–NM–174 (3–20/3–20)'' (RIN2120–AA64) (2000–0158), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8110. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model EC 120B Helicopters; Docket No. 99–SW–85 (3–15/3–16)'' (RIN2120–AA64) (2000–0142), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8111. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS355N Helicopters; Request for Comments; Docket No. 99–SW–87 (3–15/3–20)'' (RIN2120–AA64) (2000–0154), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8112. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model As355N Helicopters; Request for Comments; Docket No. 99–SW–87 (3–17/3–20)'' (RIN2120–AA64) (2000–0164), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8113. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300, A310, and A300–600 Airplanes; Docket No. 98–NM–211 (3–20/3–20)'' (RIN2120–AA64) (2000–0156), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8114. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes; Docket No. 99–NM–241 (3–8/3–16)'' (RIN2120–AA64) (2000–0146), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8115. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319 and A321 Series Airplanes; Docket No. 99–NM–353 (3–8/3–16)'' (RIN2120–AA64)

(2000–0148), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8116. A communication from the Program Analyst, 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. 99–NM–337 (3–8/3–16)'' (RIN2120–AA64) (2000–0147), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8117. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F27 Mark 050, 200, 500, and 600 Series Airplanes; Docket No. 98–NM–186 (3–8/3–16)'' (RIN2120–AA64) (2000–0149), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8118. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Model 400A and 400T Series Airplanes; Docket No. 99–NM–334 (3–8/3–15)'' (RIN2120–AA64) (2000–0151), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8119. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Fan Jet Falcon Series Airplanes; Model Mystere-Falcon 20, 50, 200 and 900 Series Airplanes, and Model Falcon 10, 900EX, and 2000 Series Airplanes; Docket No. 99–NM–319 (3–14/3–16)'' (RIN2120–AA64) (2000–0143), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8120. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235–100 and Cn–235–200 Series Airplanes; Docket No. 99–NM–261 (3–8/3–16)'' (RIN2120–AA64) (2000–0144), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8121. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Ayres Corporation S2R Series Airplanes; Docket No. 99–CE–57 (3–20/3–20)'' (RIN2120–AA64) (2000–0160), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8122. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Luftfahrt GmbH 228 Series Airplanes; Docket No. 99–CE–43 (3–20/3–20)'' (RIN2120–AA64) (2000–0165), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8123. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc 524 Series and Trent 768–60 and 772–60 Turbofan Engines; Request for Comments; Docket No. 99–NE–59 (3–8/3–16)'' (RIN2120–AA64) (2000–0152), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8124. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211–524 Series Turbofan Engines; Request for Comments; Docket No. 2000–NE–02 (3–16/3–20)'' (RIN2120–AA64) (2000–0155), received March 16, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–8125. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 98–SW–70 (3–8/3–16)'' (RIN2120–AA64) (2000–0145), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8126. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Model S–61 Helicopters; Request for Comments; Docket No. 99–SW–61 (3–10)'' (RIN2120–AA64) (2000–0140), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8127. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International, Inc. KAP 140 and KFC 225 Autopilot Systems; Request for Comments; Docket No. 2000–CE–11 (3–20/3–20)'' (RIN2120–AA64) (2000–0159), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8128. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International 36–300A, 36–280B, and 36–280D Series Auxiliary Power Units; Docket No. 99–NE–34 (3–8/3–16)'' (RIN2120–AA64) (2000–0150), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–440. A joint resolution adopted by the Legislature of the State of Washington relative to pipeline safety; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT MEMORIAL 8017

Whereas, Ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the oversight of interstate pipelines has been largely preempted by federal law; and

Whereas, Several significant pipeline spills have occurred in Washington State in recent years, including a major petroleum spill in the City of Bellingham, resulting in a fire which killed three people and destroyed much of a city park; and

Whereas, Washington Governor Gary Locke thereafter formed a study team of local and state fuel accident response agencies, which in course of numerous meetings, briefings, and public hearings learned that current federal oversight of pipeline safety is inadequate in many respects; and

Whereas, Washington State through its Legislature and Governor are developing a strong, coordinated program of state and local oversight of pipeline safety that will be well integrated with concurrent federal oversight; and

Whereas, such a program cannot be fully implemented without action by the Congress and the President to modify existing statutes and provide necessary administrative and budgetary support: Now therefore,

Your Memorialists respectfully pray that:

(1) The Congress enact legislation amending the federal Pipeline Safety Act (49 U.S.C. Section 60101, et seq.) to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce;

(2) Such Act be further amended to allow states at their option to seek authority to administer and enforce federal pipeline safety standards;

(3) As an interim measure pending congressional consideration of such legislative enactments the President direct the federal Office of Pipeline Safety to grant authority to states that qualify to enforce federal standards; and

(4) The Congress increase funding to assist states in responding to pipeline accident emergencies, to implement pipeline safety measures, to support states with delegated authority to enforce federal standards, and to the Office of Pipeline Safety for additional research and development of technologies for testing, leak detection, and oversight operations, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the United States Department of Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–441. A joint resolution adopted by the Legislature of the State of Washington relative to the environmental clean-up project at the Hanford site; to the Committee on Appropriations.

HOUSE JOINT MEMORIAL 4022

Whereas, the United States government in the throes and peril of World War II and the following cold war did confiscate and use five hundred sixty square miles of desert on the banks of the Columbia River in Washington State, which came to be known as the Hanford site, to produce plutonium for use in nuclear weapons, which did not contribute to bringing both wars to conclusion; and

Whereas, The peace and well-being of the citizens of the United States was furthered for over forty-five years by the work done at the Hanford site; and

Whereas, The Hanford site is now the nation's biggest environmental clean-up project; and

Whereas, Sixty percent of the nation's defense nuclear waste is stored at Hanford in one hundred seventy-seven underground storage tanks, most of which are beyond their design life, and one-third of which have leaked one million gallons to the ground; and

Whereas, The tanks are seven miles south and ten miles west of the Columbia River, the largest river in the Pacific Northwest and a national treasure; and

Whereas, The site is currently in the process of cleaning up the legacy left by the above stated work, which was in the best interests of the American people; and

Whereas, The Hanford site is the only one of the United States Department of Energy sites without a waste treatment facility; and

Whereas, The Department of Energy Office of River Protection was created by Congress

in 1998 to manage all aspects of the tank waste remediation project; and

Whereas, Full funding of this environmentally necessary clean-up effort is imperative and overdue: Now, therefore

Your Memorialists respectfully pray that, with due respect for other clean-up projects' needs, full funding as necessary to build a vitrification treatment plant, retrieve waste from the tanks, feed waste into said vitrification treatment plant, and dispose of resulting glass logs be forthcoming on schedule to meet the negotiated dates contained in the Tri-Party Agreement between the Washington State Department of Ecology, the United States Environmental Protection Agency, and the United States Department of Energy, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany the bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes (Rept. No. 106–247).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon (Rept. No. 106–248).

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. BENNETT (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BYRD, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Mr . LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SCHUMER, Mr . SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN (for himself and Mr. BROWNBACK):

S. 2267. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes; read the first time.

By Mr. SMITH of New Hampshire:

S. 2268. A bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mr. TORRICELLI):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. CRAIG, and Mr. SMITH of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Ms. COLLINS, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Ms. COLLINS, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

By Mr. BRYAN:

S. 2273. A bill to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HARKIN, Mr. REED, and Mr. MOYNIHAN):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children; to the Committee on Finance.

By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BYRD, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

THE 2002 SALT LAKE OLYMPIC WINTER GAMES COMMEMORATIVE COIN ACT

Mr. BENNETT. Mr. President, I rise to introduce legislation that would direct the Secretary of the Treasury to mint coins commemorating the 2002 Salt Lake Olympic Winter Games.

The first modern Winter Olympic Games were held in Chamonix, France in 1924. Since then, the Winter Olympics has been held every four years to recognize outstanding accomplishments of athletes throughout the world. Salt Lake City, Utah is proud to be hosting the 2002 Winter Olympic Games, the first Olympic Winter Games of the new Millennium.

While it is a great honor for us to host the 2002 Winter Olympic Games, our state will have a tremendous financial burden placed upon us. The proceeds from these commemorative coins are greatly needed to help us support these events and train future Olympic athletes. I would like to stress that minting these commemorative coins will have no net cost to the Federal Government, and that the proceeds will be distributed equally to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 and the United States Olympic Committee.

Mr. President, this is the smallest Olympic coin program ever, containing

only two coins. Additionally, the program has been developed in consultation with the Mint and the numismatic community to address concerns over previous commemorative coin programs.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2266

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''2002 Winter Olympic Commemorative Coin Act''.

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 80,000 $5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and contain 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 400,000 $1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins minted under this Act shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. On each coin there shall be a designation of the value of the coin, an inscription of the year ''2002'', and inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from any available source, including from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. SELECTION OF DESIGN.

The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts;

(B) the United States Olympic Committee; and

(C) Olympic Properties of the United States—Salt Lake 2002, L.L.C., a Delaware limited liability company created and owned by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (hereafter in this Act referred to as the ''Olympic Properties of the United States''); and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2002, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2002.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) MARKETING.—The Secretary, in cooperation with the Olympic Properties of the United States, shall develop and implement a marketing program to promote and sell the coins issued under this Act both within the United States and internationally.

SEC. 7. SURCHARGE.

(a) SURCHARGE REQUIRED.—All sales of coins issued under this Act shall include a surcharge of $35 per coin for the $5 coins and $10 per coin for the $1 coins.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002.—One half to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 for use in staging and promoting the 2002 Salt Lake Olympic Winter Games.

(2) UNITED STATES OLYMPIC COMMITTEE.—One half to the United States Olympic Committee for use by the Committee for the objects and purposes of the Committee, as established in the Amateur Sports Act of 1978.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

By Mrs. FEINSTEIN (for herself and Mr. TORRICELLI):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

CAMPAIGN FINANCE REFORM LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation which I hope might move the Senate closer to the passage of meaningful campaign finance reform. I have voted for versions of the McCain-Feingold reform legislation at least six times in the past 4 years. I continue to support passage of that bill, and I will vote for it in the future.

I am concerned, however, that this legislation might not come up for a vote again in this Congress. Earlier this morning, the Rules Committee, of which I am a member and which Senator MCCONNELL chairs, began a series of hearings on the constitutionality of campaign finance reform. At that time, I indicated that what I wished to do was submit a bill which might have an opportunity to break the gridlock surrounding campaign finance reform, and develop some kind of consensus.

So if I may, on behalf of Senator TORRICELLI and myself, I send a bill to the desk and ask for its submission to committee.

The PRESIDING OFFICER. Without objection, the bill will be received and referred.

Mrs. FEINSTEIN. Mr. President, this bill has three simple provisions. First of all, it bans soft money. Second, it raises hard money contributions to candidates from $1,000 to $3,000. Third, it requires the disclosure of those parties who pay for the so-called issue ads, who contribute to the soft money which at present is undisclosed. So it would require disclosure of any expenditure of $10,000 or more of an independent campaign within 48 hours, and it would require disclosure of any individual who contributes more than $3,000 to an independent campaign. That is all this bill would do.

I think, any way you look at it, looking at campaign spending reform, one has to look at the unregulated nature of soft money and the appearance—and I use the word ''appearance''—of corruption that it brings to campaigns.

Clearly, when in the same session of Congress you have tobacco legislation in front of this body and you have a tobacco company that contributes $1 million in soft money at the same time, you can draw a conclusion—perhaps falsely, but nonetheless draw it—that that money is contributed in large amounts with hopes of gaining votes in support of the company.

I think the numbers, the size of soft money contributions, really, are what ought to concern this body. The Republican Party raised $131 million in soft money during the 1998 election cycle. That is a 150-percent increase over the last midterm election, in 1994. So from 1994 to 1998, 4 years, there has been a 150-percent increase in the amount of soft money. The Democratic Party raised $91.5 million during this same period. That is an 86-percent increase over 4 years.

At this rate, you can see the amount of soft money is going to, by far, dominate anything individual candidates can raise or do during an election.

A recent analysis found that national political party committees together raised $107 million just during 1999 alone. That is 81 percent more than the $59 million they raised during the last comparable Presidential election period in 1995. Congressional campaign committees of the national parties raised more than three times as much soft money during 1999 as they raised during 1995—$62 million compared to $19 million.

We clearly have a trendline going. I think the decision one has to make is, is this trendline going to be healthy for the American political process? Those who think it is will be for soft money. But I think most of us believe, truly, that it is not.

The problem comes because the contribution limit is so low for an individual candidate. My bill says eliminate soft money, and the tradeoff is to increase the hard money contribution for every individual candidate from $1,000 to $3,000.

We heard that the 1971 contribution limit of $1,000 today in real dollars is worth about $328. The limit was set 29 years ago and clearly needs to be raised because the costs of campaign materials, consultant services, television, radio, all of the necessary tools of any viable campaign have clearly increased. So what was worth $1,000 in 1971 is now worth $328. This would clearly be equalized to have a meaningful parity with 1971 if the sum were raised to $3,000.

What my bill will do is move campaign contributions from under the table to above the table. Instead of hundreds of thousands of unregulated dollars flowing into the coffers of national political parties, this legislation will increase the amount an individual might contribute to a candidate under the existing rules of the Federal Election Campaign Act. So what we would be doing is exchanging soft money for increased limits, soft money being undisclosed and unregulated and hard money being both disclosed and regulated.

It is not the small contributions to an individual's campaign, I think, that Americans view as corrupting.

It is the large checks of $100,000, $250,000, and $1 million, or more, to parties that creates this appearance. My bill would eliminate this soft money while still allowing candidates to compete without the influence of the national parties and these huge amounts of money.

The final component of the bill is the greater regulation of so-called issues advocacy. A current campaign law loophole allows unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

Issue advocacy does not use the so-called ''magic words'', such as ''vote for,'' ''elect,'' ''defeat'' or ''reelect'' that the Supreme Court has identified as express advocacy and, therefore, are not subject to FEC regulation.

This bill would define ''electioneering communications'' as an advertisement broadcast from television or radio that refers to a candidate for Federal office and is made 60 days before a general election or 30 days before a primary.

Any individual or organization that spends more than $10,000 on such an ad must disclose the expenditure to the FEC within 48 hours. In addition, all contributions greater than $3,000 to groups that engage in electioneering communications must be disclosed to the FEC within 48 hours.

This takes that anonymous area of independent campaigns and clarifies express advocacy and regulates and discloses all of the money.

The Annenberg Public Policy Center has studied the amount that independent groups have spent on issue advocacy in each of the last two election cycles: 1995–96 and 1997–98. The study estimates that the amount spent on issue ads more than doubled, to some $340 million.

The Center's report indicates that as election day gets closer, issue ads become more candidate-oriented and more negative. This kind of unregulated attack advertisements are poisoning the process and driving voters, I believe, away from the polls.

With the passing of every election, it becomes increasingly clear that our campaign system desperately needs reform. I think this reform measure has a very real chance of being passed.

Once again, let me say, it bans soft money; it increases hard money contribution limits to candidates from $1,000 to $3,000; it ties them to inflation after 2001; it says simply that anyone engaging in independent campaigns must, in effect, disclose, within 48 hours, contributions greater than $3,000 or expenditures of more than $10,000.

I strongly believe that congressional action on meaningful campaign finance reform is a very necessary first step in restoring the public's confidence in our government. I hope that my colleagues will see this as an attempt to reach across the partisan gap, and join me in supporting this bill.

By Mr. HATCH (for himself, Mr. CRAIG, and Mr. SMITH of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

THE RIGHT TO BEAR ARMS PROTECTION AND PRIVACY ACT OF 2000

Mr. HATCH. Mr. President, I rise to introduce a very significant bill—the Right to Keep and Bear Arms Protection and Privacy Act.

There is a gun control frenzy taking place in Washington. There are about 1,070 bills either regulating or dealing with firearms pending in the House and Senate. These range from imposing new Federal regulatory standards on the manufacture of firearms to those requiring background checks at gun shows. And President Clinton has written a letter informing me that he will not sign long overdue, worthwhile and comprehensive youth violence legislation unless it includes most of this gun control agenda.

I have become convinced that, for conscientious and reasonable defenders of the Second Amendment, it is not enough to simply oppose the gun control communities legislative agenda. Instead, we just redouble our efforts and set out to pass an affirmative legislative agenda which safeguards the right to keep and bear arms.

Many gun control advocates claim that it is not their goal to interfere with the rights of law abiding gun owners. Many question sincerity. The bill I am introducing today will afford gun control advocates the opportunity to prove their critics wrong. This important bill is a first step in what I hope will become a bipartisan campaign to safeguard the rights of law abiding gun owners.

Simply put, this plainly written bill would end burdensome and frivolous suits against law abiding firearm manufacturers, dealers, and owners, and preclude new ones, except in those cases where plaintiffs could show that the manufacturer or seller knew that the firearm would be used to commit a Federal or State crime. Thus, if it can be shown that manufacturers and sellers knew that a specific product would be used to a commit crime, then they will be subject to a civil action, if not a criminal prosecution. The provision also has the beneficial effect of striking a blow against ''legislation through litigation,'' which has enriched the trial lawyers while harming many of our nation's law abiding citizens and businesses.

In addition, the bill also addresses the concerns of gun owners and advocates of the Second Amendment that the federal regulatory process will be misused by the government to abridge the constitutional right to keep and bear arms. The bill thus contains the following provisions: (1) a prohibition against the government charging a background check fee in connection with the transfer of a firearm; (2) a gun owner privacy protection component which requires immediate destruction of background check records for approved firearms buyers; and (3) establishes a civil remedy for private citizens aggrieved by government violations of the background check fee or gun owner privacy provisions. After all, if firearms manufacturers should be subjected to civil liability for illegal acts, why shouldn't the government be liable if a law abiding gun owner's privacy protections are violated?

As a Senior proudly representing the people of Utah, I take seriously our oath of office to defend our Union's defining document—the Constitution of the United States. I truly concur with the remarks of the great British Prime Minister William Gladstone when he wrote in 1878 that the ''American Constitution is * * * the most wonderful work ever struck off at a given time by the brain and purpose of man.''

So too, I am an avid supporter of the Second Amendment. I believe, following the teachings of virtually all the Founders of our Republic, that the right of citizens to keep and bear arms has justly been considered as, in the words of the learned Justice Joseph Story, ''the palladium of the liberties of the republic; since it offers a strong moral check against the usurpation

and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them.''

It is astonishing to me that despite this pedigree of the Second Amendment, the enemies of the right to keep and bear arms, those advocates of state-ism and the politics of the left, have stooped to new lows in their crusade to diminish the God-given liberties of the American people. Seeing that radical gun control measures are unpopular and cannot pass Congress and state legislatures, those hostile to the Second Amendment have resorted to a new tactic in a not-so-veiled attempt to undermine the right to keep and bear arms.

They have resorted to misusing our civil litigation system by bringing law suits against the source of guns: firearms manufacturers. They seek damages from firearms manufacturers for any harm caused by gun wielding criminals, even though the manufacturers are not responsible for the crimes. This violates traditional precepts of American law, which is based upon the free-will notion that only those responsible should be held liable.

More specifically, over the past few years the firearms manufacturing industry has been subjected to these numerous ''junk'' lawsuits seeking damages or injunctive relief for harm caused by third-party criminal actors. Many of these cases have been brought by local government entities, including approximately thirty American cities. The Clinton Administration had announced that it would support these lawsuits and publicly threatened that the Department of Housing and Urban Development would commence an action against the firearms manufacturers.

Generally, the plaintiffs in these cases argue that although the firearms are legal products and despite the criminal actions of third parties, manufacturers and sellers should be held liable because of the negligent fashion in which they designed, marketed, and sold their products. This novel theory stands traditional tort law on its head.

These radical lawsuits are onerous and may well bankrupt many firearms manufacturers. If a maverick judge were to rule in favor of the plaintiffs in one of these cases, the industry could face financial ruin. Indeed, the Louisiana state judge handling the City of New Orleans lawsuit recently refused to dismiss that lawsuit notwithstanding the enactment of a state law that nullified the cause of action. The net result may very well be the disappearance of a lawful product—firearms—from interstate commerce.

Let me mention a junk lawsuit brought by the City of Chicago against 12 suburban gun shops, 22 gun manufacturers, and four gun distributors. The Chicago Tribune, in an editorial dated November 14, 1998, agreed that the mayor's anger at the misuse of handguns was understandable, but called his lawsuit ''wrongheaded and ill-advised'' because ''it represents an abuse of the tort liability system and a dangerous extension of the tactic employed in similar lawsuits against the tobacco industry of using potentially bankrupting lawsuits to force makers of legal but unpopular products to quit.''

To one federal district court, such lawsuits are ''an obvious attempt unwise and unwarranted to ban or restrict handguns through courts and juries, despite the repeated refusals of state legislatures and Congress to pass strong, comprehensive gun-control measures.'' [*Patterson* v. *Rohm Gessellschaft,* 608 F. Supp. 1206, 1211 (N.D. Tex. 1985)].

Indeed, in characterizing the federal lawsuit against the tobacco producers and the HUD suit threatened against the firearms industries, and in complete candor, former Clinton Secretary of Labor Robert Reich noted that:

> * * * the biggest problem is that these lawsuits are end runs around the democratic process. We used to be a nation of laws, but this new strategy presents novel means of legislating—within settlement negotiations of large civil suits initiated by the executive branch. This is faux legislation that sacrifices democracy to the discretion of administrative officials operating in secrecy.

[Robert Reich, ''Don't Democrats Believe in Democracy,'' The Wall Street Journal, Wednesday, January 12, 2000].

Furthermore, these junk lawsuits seek to reverse the well-established tort law principle that manufacturers are not responsible for the criminal misuse of their products. For instance, the Seventh Circuit Court of Appeals in *Martin* v. *Harrington and Richardson, Inc.,* [743 F. 2d 1200, 1205 (7th Cir. 1984)], held that criminal misuse of a handgun breaks the causal connection between the manufacturers action and the injury ''because such criminal activity is not reasonably forseeable.''

A judge from a federal district court noted that ''under all ordinary and normal circumstances in the absence of any reason to expect the contrary, the actor may reasonably proceed with the assumption that others will obey the criminal law.'' [*Bennett* v. *The Cincinnati Checker Cab,* 353 F.Supp. 1206, 1209 (E.D. Kent, 1973)]. It is important to note that in his opinion the judge cited the noted tort expert, the late Professor Prosser, for the proposition that entities are not liable for criminal acts of others because such acts are generally unforeseeable and thereby cut the chain of proximate causation. [Prosser, Torts, 3d ed. at 176].

Moreover, these lawsuits suffer from the same defect that some, if not all, of the courts in the federal tobacco lawsuit suffer from: lack of standing. Government entities, absent specific statutory authority—which is not present in either the federal tobacco case or these gun manufacturers cases—may not recoup medical and other expenses paid by government agencies from manufacturers of products alleged to cause the harm to ''third party'' beneficiaries of government programs. For instance let me mention two cases. *Holmes* v. *Securities Investor Protection Corp.,* [503 U.S. 258, 268–69 (1992)] and *Laborers Local 17 Health Benefit Fund* v. *Phillip Morris,* [191 F. 3d 229 (2nd Cir. 1999)]. These cases stand for the proposition that a complaint is too ''remote'' when a plaintiff seeks to recover damage to a third party. Therefore, the plaintiff lacks standing to bring the suit.

This is exactly what Connecticut Superior Court Judge Robert McWeeny held when he recently dismissed the City of Bridgport's ''junk lawsuit'' complaint for recoupment against Smith & Wesson. [*Ganim* v. *Smith & Wesson, [No. CV 990253198S (Superior Ct. Conn., Dec. 10, 1999)]].*

Our judiciary is being transformed by these misguided advocates of gun control from courts of justice into tribunals of the gun control lobby. That is why this legislation is needed. The Congress has both a duty to protect federal constitutional rights such as the right to keep and bear arms, as well as to step in and reform our tort system when it is being abused and the abuse has a significant impact on interstate commerce.

Let me say a few words about last Friday's announcement of the agreement between Smith & Wesson and HUD. Basically, the agreement mandates that Smith & Wesson would provide trigger locks within 60 days and make their handguns child resistant within a year. Smith & Wesson also agreed to a ''code of conduct'' whereby the manufacturer would sell its products only to ''authorized dealers and distributors'' who agree to have their contract terminated if ''a disproportionate number'' of crimes were traced to the firearms they sell. Some sort of outside board will police the settlement. In return, the federal government agreed not to bring suit against the firearms manufacturer and eleven of the thirty cities and local governments dropped their actions.

I believe that this so-called ''deal'' is the latest attempt by the Administration to play on the fear of the American people for pure political advantage. It makes the Administration look good. It makes it seem that the Administration is doing ''something'' about gun violence. But the record makes clear that the Administration has done little to enforce the federal laws on the books against gun wielding criminals. So this settlement masks the truth. The Administration has been inept in preventing gun violence.

Let me say, first of all, that I don't believe that the Administration ever really intended to see its lawsuit against the firearms manufacturers to verdict. Indeed, in announcing the projected lawsuit against the gun manufacturers, HUD Secretary Andrew Cuomo admitted to the press that the whole effort was simply a bargaining ploy.

So let's call it what the federal lawsuit really is: extortion. It is an attempt to bypass the legislative process

and the Constitution to achieve a gun control agenda that the public's elected officials oppose. Sue the industry and have them cave in or face imminent financial ruin by having to defend an avalanche of legally dubious lawsuits and bad publicity. That's their game plan.

Well, Smith & Wesson caved in. Why? Published reports have it that the owner of Smith & Wesson, Tompkins PLC of Great Britain, could not find a buyer for the $161 million company with lawsuits hanging over its head. And Tompkins understands that three California gun companies have gone out of business and that legal fees may very well bankrupt the industry. So Tompkins surrendered.

And the reward for their surrender: it was announced on Saturday that HUD and the mayors of Atlanta, Detroit and Miami directed their law enforcement agencies to give preferences to Smith & Wesson when purchasing firearms. [''Smith & Wesson Earns Preference,'' @ Home Network, AP, March 18, 2000] This is outrageous. Not only does this deal undercut the Second Amendment, it undercuts the principle of competitive bidding. It creates an incentive that tax payers will be gouged. It punishes innocent firearms manufacturers. It weakens the rule of law because innocent manufacturers are denied their day in court. It weakens democracy because the heavy hand of big government is used as a tool of despotism.

But it is the ''code of conduct'' term of the settlement that is the most peculiar. Again, this provision mandates that Smith & Wesson sell its products only to ''authorized dealers and distributors'' who agree to have their contracts terminated if ''a disproportionate number'' of crimes are traced to the firearms they sell. Well, how is this to be determined? What is a disproportionate number of crimes? And how will this be traced to the dealer or distributor? And what if the dealer or distributor were innocent of any wrongdoing?

It seems to me that this settlement term suffers from the same defect as the underlying ''junk lawsuits''—innocent parties are being held liable for the criminal acts of third parties.

The settlement represents the misuse of governmental power. It represents a weakening of our democracy and the rule of law.

Mr. President, let me turn to the provisions of the bill that will (1) prevent illicit fees to be charged for background checks, and (2) that protect the privacy of gun owners from federal intrusion.

The Brady Handgun Control Act of 1993 is silent on whether the government may charge a fee for the instant background check required under 18 U.S.C. §922(t). And let me add that it was never contemplated that the government would charge such a fee when Brady was debated and passed.

Nonetheless, despite no explicit legal authority, the Administration has repeatedly attempted to require the payment of such a fee by licensed firearms dealers—which fees would almost surely be passed along to purchasers through higher prices. This would truly amount to ''taxation without representation.''

Section 5 of our bill adds Section 540C to Title 28. This new section prohibits the Administration from promulgating a tax without Congress' approval. It codifies a prohibition on charging or collecting ''any fee in connection with any background check required in connection with the transfer of a firearm.'' The prohibition would apply both to the Federal government and ''State or local officers or employees acting on behalf of the United States.''

This section thus prohibits an unauthorized fee that may be considered to be a ''tax'' on the exercise of a constitutional right—in this case, to buy a firearm.

Finally, under the Brady bill, if the instant background check reveals that the buyer is eligible to purchase the firearm, the government is required to ''destroy all records of the system with respect to the call and all records of the system relating to the person or the transfer.'' [18 U.S.C. §922(t)(2)(C)]. The Brady bill also prohibits the government from using the instant check system to establish a registry of firearms, firearms owners, or firearms transfers, except with respect to persons prohibited from receiving a firearm. [Pub. L. 103–159, Sec. 103(i)].

Despite the law, the Administration promulgated regulations in 1998 that allowed the FBI to retain for 6 months information pertinent to an approved firearms sale gathered as part of the instant check system. [*See* C.F.R. §25.9(b)(1)].

But, I concur with those Second Amendment advocates who view these record retention periods as veiled attempts by the government to establish a national firearms registry. Furthermore, the only way to ensure the privacy and security of the information in the instant check system is to immediately destroy the records of approved firearms transfers.

To address these concerns and preempt the Administration's efforts to undermine the Brady bill's ban on a national firearms registry, my bill would establish a new statute, Section 931 to title 18, that would prohibit the use of the instant check system unless the system ''require[s] and result[s] in the immediate destruction of all information, in any form whatsoever or through any medium,'' about any person determined not to be prohibited from receiving a firearm.

The destruction requirement, however, would not apply to (1) ''any unique identification number provided by the [instant check] system,'' or (2) ''the date on which that number is provided.'' These exceptions parallel the exceptions contained in the Brady bill [*see* 18 U.S.C. §922(t)(2)(C)] and allow the government to trace a firearm to a dealer, but not to a purchaser.

In conclusion, Mr. President, I urge my colleagues to support this legislation to prevent extortion against the manufacturers of a lawful product, firearms. I urge my colleagues to support this legislation to prohibit a tax on the exercise of constitutional right—the Second Amendment's guarantee of the right of the American citizen to keep and bear arms. And I urge my colleagues to support this legislation that protects the privacy of citizens who lawfully and peaceably possess firearms from federal intrusion.

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. 2270

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Right to Bear Arms Protection and Privacy Act of 2000''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Citizens have a right, under the Second Amendment to the United States Constitution, to keep and bear arms.

(2) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of nondefective firearms, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(3) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States is heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(4) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, marketing, distribution, manufacture, importation, or sale to the public of firearms or ammunition that have been shipped or transported in interstate or foreign commerce are not, and should not be, liable or otherwise legally responsible for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products.

(5) The possibility of imposing liability or other legal restrictions on an entire industry as a result of harm that is the sole responsibility of others is an abuse of the legal system, erodes public confidence our Nation's laws, threatens the diminution of a basic constitutional right, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in America's free enterprise system, and constitutes an unreasonable burden on interstate and foreign commerce.

(6) The liability and equitable actions commenced or contemplated by municipalities, cities, and other entities are based on theories without foundation in hundreds of years of the common law and American jurisprudence. The possible sustaining of these actions by a maverick judicial officer would expand civil liability in a manner never contemplated by the Framers of the Constitution. The Congress further finds that such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United

States under the Fourteenth Amendment to the United States Constitution.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To prohibit causes of action against law-abiding manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others.

(2) To preserve a citizen's constitutional access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To protect a citizen's right to privacy concerning the lawful purchase and ownership of firearms.

(4) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section five of that Amendment.

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL ACTIONS IN FEDERAL OR STATE COURT.

(a) IN GENERAL.—A qualified civil action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought.

SEC. 4. DEFINITIONS.

In this Act:

(1) MANUFACTURER.—The term ''manufacturer'' means, with respect to a qualified product—

(A) a person who is lawfully engaged in a business to import, make, produce, create, or assemble a qualified product, and who designs or formulates, or has engaged another person to design or formulate, a qualified product;

(B) a lawful seller of a qualified product, but only with respect to an aspect of the product that is made or affected when the seller makes, produces, creates, or assembles and designs or formulates an aspect of the product made by another person; and

(C) any lawful seller of a qualified product who represents to a user of a qualified product that the seller is a manufacturer of the qualified product.

(2) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(3) QUALIFIED PRODUCT.—The term ''qualified product'' means a firearm (as defined in section 921(a)(3) of title 18, United States Code) or ammunition (as defined in section 921(a)(17) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(4) QUALIFIED CIVIL ACTION.—The term ''qualified civil action'' means a civil or equitable action brought by any person against a lawful manufacturer or lawful seller of a qualified product, or a trade association, for damages or other relief as a result of the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include an action brought against a manufacturer, seller, or transferor who knowingly manufactures, sells, or transfers a qualified product with knowledge that such product will be used to commit a crime under Federal or State law.

(5) SELLER.—The term ''seller'' means, with respect to a qualified product, a person who—

(A) in the course of a lawful business conducted for that purpose, lawfully sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a qualified product in the stream of commerce; or

(B) lawfully installs, repairs, refurbishes, reconditions, or maintains an aspect of a qualified product that is alleged to have resulted in damages.

(6) STATE.—The term ''State'' includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(7) TRADE ASSOCIATION.—The term ''trade association'' means any association or business organization (whether or not incorporated under Federal or State law) 2 or more members of which are manufacturers or sellers of a qualified product.

SEC. 5. PROHIBITION OF BACKGROUND CHECK FEE; GUN OWNER PRIVACY.

(a) PROHIBITION OF BACKGROUND CHECK FEE.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

''§ 540C. Prohibition of fee for background check in connection with firearm transfer

''No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a) of title 18).''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540B the following:

''540C. Prohibition of fee for background check in connection with firearm transfer.''.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Gun owner privacy and ownership rights

''(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

''(1) shall perform any criminal background check through the National Instant Criminal Background Check System (referred to in this section as the 'system') on any person if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about any such person that is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922, or by State law, from receiving a firearm; or

''(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

''(A) the NICS Index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

''(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

''(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

''(1) any unique identification number provided by the National Instant Criminal Background Check System under section 922(t)(1)(B)(i); or

''(2) the date on which that number is provided.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Gun owner privacy and ownership rights.''.

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of section 540C of title 28 or 931 of title 18, United States Code (as added by this section), may bring an action in the United States district court for the district in which the person resides for actual damages, punitive damages, and such other relief as the court determines to be appropriate, including a reasonable attorney's fee.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act except that the amendments made by subsection (a) shall take effect as of November 30, 1998.

Mr. SMITH of New Hampshire. Mr. President, I rise along with Senator HATCH to support the Right to Bear Arms Protection and Privacy Act of 2000.

This bill embodies the goals of several bills I have previously introduced, and its passage would be a great relief for millions of law abiding gun owners who want their rights protected.

Mr. President, this administration has launched an all-out assault on gun owners and gunmakers in an attempt to blame them for the crime problem that has resulted from the revolving-door criminal justice approach taken by liberal judges throughout this country.

I look forward to working with Chairman HATCH to move this bill expeditiously through the Judiciary Committee.

By Mr. DEWINE (for himself, Mr. ROCKFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

THE TRAINING AND KNOWLEDGE ENSURE CHILDREN A RISK-FREE ENVIRONMENT (TAKE CARE) ACT

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

● Mr. DEWINE. Mr. President, I rise today to introduce two pieces of legislation that would impact the lives of many at-risk children living in foster care. In an effort to move forward and figure out what Congress needs to do next to help improve the operation of the child welfare system following the 1997 enactment of the Adoption and Safe Families Act, my friend and colleague Senator ROCKEFELLER and I, as well as Senators LANDRIEU, LEVIN, KERRY, KERREY, WELLSTONE, COLINS, BOXER, CHAFEE, LINCOLN and BINGAMAN, are introducing the strengthening Abuse and Neglect Courts Act and the Training and Knowledge Ensure Children a Risk-free Environment (TAKE CARE) Act.

Before I talk about these bills, specifically, it's important to understand how we arrived at where we are today with regard to the child welfare agencies and the court system. Back in 1997, I was very involved in one of the success stories of the 105th Congress: The passage of the Adoption and Safe Families Act. This subcommittee played a critical role in shaping that legislation. This law has many goals: First, it encourages safe and permanent family placements for abused and neglected children; second, it makes it clear that the health and safety of the child always must come first in any decision involving a child in abuse and neglect cases; and third, it decreases the amount of time that a child spends in the foster care system. Specifically, the law requires initiation of proceedings to terminate parental rights for any child who has been in the foster care system for fifteen (15) of the last twenty-two (22) months.

The Adoption and Safe Families Act represented a significant change in child welfare laws. Perhaps more important, we were changing the way judges and child advocates looked at child welfare cases. This represented a change in the culture of child welfare, as we know it, and forced the system to stop and rethink its processes and its purposes.

We all knew this law was not a quick nor a complete fix—more work would be necessary to make the law a success and to implement a new way of thinking about child welfare—a way of thinking that says that it is no longer acceptable to place a child in long-term foster care without a plan for permanent placement. We knew that a law that simply tells judges that the health and safety of the child must be paramount would not necessarily be reflected in judicial decisions. To get there, training needs to be available so the law effectively becomes a part of judge's decisionmaking process.

A tragic local case—the death of twenty-three month old Brianna Blackmond—demonstrates the need for this training. Brianna had been placed in foster care at the age of four months, due to her mother's neglect. In January of this year, Brianna was killed just seventeen days after being returned to her mother from foster care. In the aftermath of this tragedy, DC Superior Court Judges told the Washington Post about the agony they feel in making child welfare decisions. One of the judges quoted in the article said this: ''These cases are, for me, the most difficult thing we do. We feel the least trained and skilled at it.''

These judges are making tough, life-changing decisions for all parties involved. We have a responsibility to make sure they are trained properly and feel confident about those decisions.

When we passed the Adoption and Safe Families Act, we also knew that the imposition of reduced timelines would create additional pressure on an already overburdened court system. These timelines, however, are very important to the welfare of the children involved. Foster care, after all, was meant to be a temporary solution—not a way of life.

These timelines can work only if the courts are able to process cases in a timely manner. To give you an idea of what the courts are up against, consider this: When the Family Court was established in New York in 1962, it reviewed 96,000 cases the first year. By 1997, the case load had increased to 670,000 cases. The courts must have a manageable case load so that an appropriate decision can be made in every case after all of the facts have been heard. We cannot rush decision making in these cases—a child's life is at risk.

We also knew that the courts needed information to make the best possible decision for the child. This problem was demonstrated in Cuyahoga County, Ohio. Until recently, the court had no central clerk's file, so there was no way of tracking the location of a particular file. If the file could not be found on the day of a hearing or review, it would result in a postponement, often adding months to a child's stay in foster care. It is undisputed that children need permanency as quickly as possible. It is simply unconscionable that children should be trapped in foster care by a bureaucratic nightmare of paperwork.

We need to move forward and help improve the operation of the child welfare system, and in particular, the courts. The legislation Senator ROCKEFELLER and I are introducing today will help move us in the right direction. Taken together, our bills would provide competitive grants to courts to create computerized case tracking systems, as well as grants to reduce pending backlogs of abuse and neglect cases so that courts are better able to comply with the timelines established in the Adoption and Safe Families Act. These bills also would allow judges, attorneys, and court personnel to qualify for training under Title IV–E's existing training provisions and would expand the CASA program to underserved and urban areas, so that more children are able to benefit from its services.

Mr. President, let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. After all, that's where a lot of delays occur. As well intentioned as the strict timelines of the 1997 law are, mandatory filing dates are not enough to promote child placement permanency if the court docket is too clogged to move cases through the system, or judges aren't changing their routine in a way that reflects the importance of these timelines and the necessity of placing the child's safety first.

The critical next step is to help the courts improve administrative efficiency and effectiveness—goals of the Adoption and Safe Families Act. I believe that our legislation can do that. I encourage my colleagues to support this important legislation.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2271

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Training and Knowledge Ensure Children a Risk-Free Environment (TAKE CARE) Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and ''best practices'' standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. TRAINING IN CHILD ABUSE AND NEGLECT PROCEEDINGS.

(a) PAYMENT FOR TRAINING.—

(1) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B), the following:

''(C) 75 percent of so much of such expenditures as are for the training (including cross-training with personnel employed by, or under contract with, the State or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court (as defined in section 475(8)), and training on related topics such as child development and the importance of developing a trusting relationship with a child) of judges, judicial personnel, law enforcement personnel, agency attorneys (as defined in section 475(9)), attorneys representing parents in proceedings conducted by, or under the supervision of, an abuse and neglect court (as defined in section 475(8)), attorneys representing children in such proceedings (as defined in section 475(10)), guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs, to the extent such training is related to provisions of, and amendments made by, the Adoption and Safe Families Act of 1997, provided that any such training that is offered to judges or other judicial personnel shall be offered by, or under contract with, the State or local agency in collaboration with the judicial conference or other appropriate judicial governing body operating in the State,''.

(2) CONFORMING AMENDMENTS.—

(A) Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking ''474(a)(3)(E)'' and inserting ''474(a)(3)(F)''.

(B) Section 474(a)(3)(E) of such Act (42 U.S.C. 674(a)(3)(E)) (as redesignated by subsection (a)(1)) is amended by striking ''subparagraph (C)'' and inserting ''subparagraph (D)''.

(C) Section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking ''subsection (a)(3)(C)'' and inserting ''subsection (a)(3)(D)''.

(b) DEFINITION OF CERTAIN TERMS.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following new paragraphs:

''(8) The term 'abuse and neglect courts' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

''(A) that implement part B and this part (including preliminary disposition of such proceedings);

''(B) that determine whether a child was abused or neglected;

''(C) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

''(D) that determine any other legal disposition of a child in the abuse and neglect court system.

''(9) The term 'agency attorney' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under part B and this part in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

''(10) The term 'attorneys representing children' means any attorney or a guardian ad litem who represents a child in a proceeding conducted by, or under the supervision of, an abuse and neglect court.''.

SEC. 4. STATE STANDARDS FOR AGENCY ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(24) provides that, not later than January 1, 2002, the State shall develop and encourage the implementation of guidelines for all agency attorneys (as defined in section 475(9)), including legal education requirements for such attorneys regarding the handling of abuse, neglect, and dependency proceedings.''.

SEC. 5. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT, AND DEPENDENCY MATTERS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall provide the technical assistance, training, and evaluations authorized under this section through grants, contracts, or cooperative arrangements with other entities, including universities, and national, State, and local organizations. The Secretary of Health and Human Services and the Attorney General should ensure that entities that have not had a previous contractual relationship with the Department of Health and Human Services, the Department of Justice, or another Federal agency can compete for grants for technical assistance, training, and evaluations.

(b) PURPOSE.—Technical assistance shall be provided under this section for the purpose of supporting and assisting State and local courts that handle child abuse, neglect, and dependency matters to effectively carry out new responsibilities enacted as part of the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) and to speed the process of adoption of children and legal finalization of permanent families for children in foster care by improving practices of the courts involved in that process.

(c) ACTIVITIES.—Technical assistance consistent with the purpose described in subsection (b) may be provided under this section through the following:

(1) The dissemination of information, existing and effective models, and technical assistance to State and local courts that receive grants for automated data collection and case-tracking systems and outcome measures.

(2) The provision of specialized training on child development that is appropriate for judges, referees, nonjudicial decision-makers, administrative, and other court-related personnel, and for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, or parents.

(3) The provision of assistance and dissemination of information about best practices of abuse and neglect courts for effective case management strategies and techniques, including automated data collection and case-tracking systems, assessments of caseload and staffing levels, management of court dockets, timely decision-making at all stages of a proceeding conducted by, or under the supervision of, an abuse and neglect court (as so defined), and the development of streamlined case flow procedures, case management models, early case resolution programs, mechanisms for monitoring compliance with the terms of court orders, models for representation of children, automated interagency interfaces between data bases, and court rules that facilitate timely case processing.

(4) The development and dissemination of training models for judges, attorneys representing children, agency attorneys, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs.

(5) The development of standards of practice for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed

special advocate (CASA) programs, and parents in such proceedings.

(d) TRAINING REQUIREMENT.—Any training offered in accordance with this section to judges or other judicial personnel shall be offered in collaboration with the judicial conference or other appropriate judicial governing body operating with respect to the State in which the training is offered.

(e) DEFINITIONS.—In this section, the terms ''agency attorneys'', ''abuse and neglect courts'', and ''attorneys representing children'' have the meanings given such terms in section 475 of the Social Security Act (42 U.S.C. 675) (as amended by section 3(b) of this Act).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $5,000,000 for the period of fiscal years 2001 through 2005.

S. 2272

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Abuse and Neglect Courts Act of 2000''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and ''best practices'' standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

In this Act:

(a) ABUSE AND NEGLECT COURTS.—The term ''abuse and neglect courts'' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) AGENCY ATTORNEY.—The term ''agency attorney'' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of

parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for fiscal year 2001 $10,000,000 for the purpose of making grants under this section.

SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for fiscal year 2001.●

Mr. ROCKFELLER. I am proud to join Senator DEWINE and other concerned colleagues in introducing two bills that are related and designed to help strengthen our court systems that preside over the child abuse and neglect cases. If we want the child welfare system to work well, we must invest in improving our courts, as well as our State agencies. We need to reduce the backlog of cases. We need to invest in computer systems so that the courts keep track of these children. We need to train judges and court personnel so that they can make the tough decisions required by the 1997 Adoption Act to make a child's safety, health, and permanency paramount.

These two bills are identical to a package we introduced last year, but we hope dividing the legislation into separate bills will streamline consideration. Both bills are urgent.

These bills build on the foundation of the Adoption and Safe Families Act, passed in October 1997. For the first time, this law established that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the abuse and neglect system. The law promotes stability and permanence for abused and neglected children by requiring timely decisionmaking in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes. More specifically, the law requires a State to move to terminate the parental rights of any parent whose child has been in foster care for 15 out of the last 22 months. While essential to protect children, these accelerated time lines increase the pressure on the Nation's already overburdened child abuse and neglect courts.

Our courts play a vital role in the Nation's child protection system. Through my discussions with judges in my State of West Virginia and across the country, I have learned that abuse and neglect judges make some of the most difficult decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations are not made without careful and sometimes painful deliberation. Despite the courts' commitment to the fair and efficient administration of justice in these cases, staggering increases in the number of children in the abuse and neglect system have placed a tremendous burden on our abuse and neglect courts.

Throughout the debate on the Adoption and Safe Families Act, we heard from dozen of judges—especially in my State of West Virginia—who maintained that the biggest problems facing their courts are the overwhelming backlog of abuse and neglect cases. Without creative ways to eliminate such backlogs, the judges argued, new cases will never move smoothly through the court system. That is why the Strengthening Abuse and Neglect Courts Act authorizes a grant program to provide State courts with the funds they need to eliminate current backlogs once and for all. For some courts, that might involve the temporary hiring of an additional judge, a temporary extension of court hours, or restructuring the duties of court personnel. This program will provide grants to those court projects that will result in the effective and rapid elimination of current backlogs to smooth the way for more efficient courts in the future. Grants would also be established to fund computer tracking systems for courts to prevent backlog and ensure timely consideration and information.

We also seek to expand the successful Court-Appointed Special Advocate (CASA) Program. CASA volunteers are the eyes and the ears of the courts, spending time with abused and neglected children, interviewing the adults involved in their lives, and helping to give judges a better understanding of the needs of each individual child. Despite the incredible success of the CASA programs, thousands of abused and neglected children do not have the benefit of CASA representation. The bill provides CASA with a $55 million grant to expand its programs into underserved inner cities and rural areas.

The second bill, the TAKE CARE Act, Training and Knowledge Ensure Children a Risk-free Environment, recognizes the need for improved training, continuing educational opportunities, and model practice standards for judges, attorneys and other court personnel who work in the abuse and neglect courts. More specifically, the bill requires that abuse and neglect agencies design and encourage the implementation of ''best practice'' standards for those attorneys representing the agencies in abuse and neglect cases. It extends the federal reimbursement for training currently provided to agency representatives to judges, court personnel, law enforcement representatives, guardians-ad-litem, and the other attorneys who practice in abuse and neglect proceedings. For the first time, such reimbursement would help fund specialized cross-training agency and court personnel and training that focuses on vital subjects such as new research on child development.

Abused and neglected children depend upon the courts to decide their safety and to find a permanent home. This is what children need, and too many are waiting. We should move swiftly on the Strengthening Abuse and Nelgect Courts Act and the TAKE CARE Act to help such vulnerable children.

By Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HARKIN, and Mr. REED):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid Program for such children; to the Committee on Finance.

FAMILY OPPORTUNITY ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today with my colleagues Senators KENNEDY, JEFFORDS and HARKIN in introducing the Family Opportunity Act of 2000. This new legislation will make life easier for many families and their children.

When you're a parent, your main objective is to provide for your child to the best of your ability. If it takes a 12-hour day in the field or in the factory, that's what you do. Our federal government takes this goal and turns it upside down for parents of children with special health care needs.

The government forces these parents to choose between family income and their children's health care. That's a terrible choice. Families must have a low income to qualify their children for both Medicaid and federal disability benefits. This means parents often refuse jobs, pay raises and overtime just to preserve access to Medicaid for their child with disabilities.

Families have to remain in poverty just to keep Medicaid.

Obviously this affects entire families, not just the child with the health care needs. Melissa Arnold, an Iowan, has a 17-year-old son who can't work even part-time for fear of jeopardizing his brother's Medicaid coverage. Ms. Arnold has accepted several promotions without the pay raises she's earned. Despite these challenges, this family has stayed together.

In the worst cases, parents give up custody of their child with special health care needs or put their child in an out-of-home placement just to keep their child's access to Medicaid-covered services. Why is Medicaid so desirable? It's critical to the well-being of children with multiple medical needs. It covers a lot of services that these children need, such as physical therapy and medical equipment.

Private health plans often are much more limited in what they cover. Many parents can't afford needed services out-of-pocket. Today, my colleagues and I will introduce legislation to fix the Catch-22 for parents of children with disabilities.

Our bill, the Family Opportunity Act of 2000, creates a state option to allow working parents who have a child with a disability to keep working and to still have access to Medicaid for their child. Parents would pay for Medicaid coverage on a sliding scale. No one would have to become impoverished or stay impoverished to secure Medicaid for a child.

Our bill also establishes family-to-family health information centers. These centers would be staffed by actual parents of children with special needs as well as professionals. They would provide information to families trying to arrange health services for their children.

The Family Opportunity Act of 2000 is modeled after last year's successful Work Incentives Improvement Act. Under that law, adults with disabilities can return to work and not risk losing their health care coverage. Parents of children with disabilities should have the same opportunities as adults with disabilities.

Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues Senators GRASSLEY, JEFFORDS, and HARKIN in introducing the Family Opportunity Act of 2000. Our goal is to help children with disabilities by removing the health care barriers that so often prevent families from staying together and staying employed.

Despite the extraordinary growth and prosperity the country is enjoying today, families of disabled children and special needs children continue to struggle to keep their families together, live independently and become fully contributing members of their communities.

More than 8% of children in this country have significant disabilities. Yet many of them do not have access to the health services they need to maintain and prevent deterioration of their health. Too often, to obtain needed health services for their children under Medicaid, families are forced to become poor, stay poor, put their children in institutions, or give up custody of their children entirely. No parent should be faced with that unacceptable choice.

In a recent survey of 20 states, 64% families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family—so that their children can stay eligible for Medicaid through SSI, the Social Security Income Program.

Today we are introducing legislation to close the health care gap for vulnerable families, and enable them to obtain the health care their disabled children deserve.

The Family Opportunity Act of 2000 will remove the unfair barriers that deny needed health care to so many disabled children and special needs children.

It will make health insurance coverage more widely available for children with significant current disabilities, by enabling parents to buy-in to Medicaid at an affordable rate.

It will enable states to develop a demonstration program to provide a Medicaid buy-in for children with potentially significant disabilities—those who will become severely disabled if they do not receive health services.

It will establish Family to Family Information Centers in each state to help families with special needs children.

The passage of the Work Incentives Improvement Act last year demonstrated the nation's commitment to help adults with disabilities obtain the health services they need, in order to lead independent and productive lives. The legislation we are introducing today makes a similar commitment to children with disabilities and their families.

I look forward to working with all members of Congress to enact this legislation. Disabled children and their families across the country deserve this help in achieving their dreams and participating fully in the social and economic mainstream of our nation.

Mr. JEFFORDS. Mr. President, I am very pleased to join my colleagues, Senators GRASSLEY, KENNEDY and HARKIN in introducing the Family Opportunity Act of 2000. We are taking the right step, the logical step, and a much needed step.

The last bill signed into law in the 20th Century was the Work Incentives Improvement Act. Through it, we extended health care coverage to adults with disabilities who work, by allowing them to buy-in to Medicaid coverage regardless of their income. Tomorrow, we set out to help children with disabilities by introducing the Family Opportunity Act. This legislation will create a similar Medicaid buy-in option for families of children with disabilities.

When a child is born, it is a time for joy, hope, and dreams. If the child has a serious medical condition that may lead to a significant disability, or if the child is born with a disability, these feelings are often put on hold. Instead, the families of these children must concentrate on some basic facts, facts that may be a matter of life and death. These facts will shape the quality of life that the family can offer the child. The family will have to answer some important questions. First, do they have health insurance? If so, does the insurance cover the cost of the specialized services that their child needs? Families who answer 'NO' to these questions are overwhelmed and fearful, and their vision of the future is filled with uncertainty.

Every day, children in America are born with severe disabilities that require specialized health care services. Too often, the parents of these children do not have health care coverage or their coverage does not cover the needed services. These families do not have many options. Their child can receive health care coverage only if the family is poor, or if the family gives the child up to the state. We have all heard heart wrenching stories, but none are more traumatic than these.

The Family Opportunity Act of 2000 is a solution to this tragic problem. Children without health insurance will now be covered. Those children with

disabilities whose health insurance does not cover the services they need, will also be covered. Children with significant disabilities will no longer be denied the health care coverage they need, regardless of their family's income. Their families will, however, be expected to contribute to the cost of coverage. In addition, these families will have access to assistance from a Family Health Information Center. This service will provide families with information about their options and will help them exercise these options. Their children will receive the care they need and deserve.

Data from the Social Security Administration indicates that in December 1999 there were 1,080 Vermont children with disabilities eligible for Medicaid. That means that the families of these children are poor. Some of these families have chosen to keep their income under the prescribed limits in law, so that they can access health care through Medicaid for their child with a disability. These families cannot access health care coverage for their children through the private sector.

With the Family Opportunity Act everyone wins. Through Medicaid, children with disabilities will receive the health care services they desperately need. Through the Family Health Information Centers, their families will be provided with the right information at the right time. Families will be able to make key medical decisions that will maximize the quality of life for their children with disabilities. And, the federal and state governments will have a cost-effective program to help children and families in need.

The Family Opportunity Act of 2000 will make time for joy, hope, and dreams, for families of children with special needs. This is a good start to the 21st Century.

Mr. HARKIN. Mr. President, today, I rise in support of the Family Opportunity Act of 2000. I commend my colleague from Iowa, Senator GRASSLEY, for his work on this important piece of legislation. I also thank Senator KENNEDY for his continued leadership on these issues. This bill would help many children across the country get the services they need to grow up and become independent and productive members of society. And, it will help their families stay afloat financially.

I am always encouraged when issues affecting individuals with disabilities and their families rise above partisan lines. Disability is not a partisan issue. President Bush understood that. Bob Dole understands that. And I am glad to see that my fellow senator from Iowa has joined me in the fight to ensure that children with disabilities and their families get a fair shake in life.

Just last year the Congress and the President agreed that we should remove barriers to work for people with disabilities in our national programs when it passed the Ticket to Work and Work Incentives Improvement Act of 1999 into law. The Family Opportunity Act builds on that bipartisan agreement and says that we should also remove barriers to work for families of children with disabilities. Right now, many families are forced to spend down their savings and earnings on specialized services for their children because their private insurance won't cover them. Other families give up jobs and promotions so that they continue to qualify for Medicaid.

This is wrong for two reasons. First, it's the child that suffers if appropriate services aren't available due to high cost and lack of insurance coverage. Second, if a family is forced to pay for expensive services time and again or forced to give up an employment opportunity, the entire family is pushed to edge financially. As a result, the family can become impoverished or forced to give up custody of their child in order to secure appropriate Medicaid services.

This bill provides a commonsense solution to the problem. The bill allows States to offer Medicaid coverage to children with severe disabilities living in middle-income families through a buy-in program. children will get the right early intervention services, rehabilitation and long-term therapies, and medical equipment they need to keep pace and grow into adulthood. And, parents will no longer have to sacrifice a job, a raise, or overtime so they can stay inside the income bracket that qualifies their child for SSI/Medicaid.

Perhaps most importantly, this bill will ensure that children get the services they need to stay at home with their families. Keeping families strong is the best therapy for everyone—the child, the family, and the entire community.

Finally, the Family to Family Health Information Centers included in the bill will ensure every family knows what about the services and opportunities that are available to them. I know this type of information exchange works because I've taken the lead to fund similar programs in the Labor-HHS appropriations bill.

Ten years ago, as the chief sponsor of the Americans with Disabilities Act, I said on the Senate floor that I wanted every child and individual with a disability to have an equal opportunity to participate in all aspects of American life.

Since that time, I have worked hard to ensure that every national program encourages independence and self-sufficiency for individuals with disabilities. Each step we take to live up to the promise of the Americans with Disabilities' Act is progress. Last year's Ticket to Work and Work Incentives Improvement was a big step toward equality. The Family Opportunity Act builds on that legislation.

In my mind, the Medicaid Community Attendant Services Act (MiCASSA), introduced by myself and Senator SPECTER last fall, takes the next big step toward fulfilling the promise of the ADA. Given a real choice, most Americans who need long-term services and supports would prefer to receive them in home and community settings rather than in institutions. And yet, too often decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid policy rather than by what individuals need. Research has revealed a significant bias in the Medicaid program toward reimbursing services provided in institutions over services provided in home and community settings (75 percent of Medicaid funds pay for services provided in institutions).

Long-term services and supports provided under the Medicaid program must meet the evolving and changing needs and preferences of individuals. No individual should be forced into an institution to receive reimbursement for services that can be effectively and efficiently delivered in the home or community. Individuals must be empowered to exercise and real choice in selecting long term services and supports that meet their unique needs. Federal and State Medicaid policies should facilitate and be responsive to and not impede an individual's choice in selecting needed long-term services and supports.

MiCASSA would eliminate the bias in Medicaid law toward institutional care by providing that stats offer community attendant services and supports as well as institutional care for eligible individuals in need of long term services and supports. The legislation also assists states develop and enhance comprehensive statewide system of long-term services and supports that provide real consumer choice consistent with the principle that service and supports should be provided in the most integrated setting appropriate to meeting the unique need of the individual.

I look forward to building further bipartisan agreement on both pieces of legislation. This is an exciting time for disability policy.

By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

THE OIL SUPPLY IMPROVEMENT ACT

Mrs. BOXER. Mr. President, gasoline prices have reached astronomical levels. Nowhere has this price increase been more apparent than in California. For several years now, we have been experiencing gasoline prices well above what the rest of the nation has faced.

But now, this problem, which started on the West Coast, has moved east and is affecting everyone. On Monday, the Energy Information Administration reported that the average price of gasoline in the United States was $1.52 per gallon—the tenth straight week gasoline prices have gone up. That price is

52 cents higher than the national average price just one year ago.

As I said, in California, the problem is even worse. The average price for a gallon of gasoline is now $1.79—up 57 cents per gallon from this time last year.

These prices are all-time highs.

Mr. President, I believe that there are several steps that can be taken to address this problem and to help American consumers. We should impose a moratorium on major oil company mergers. We must have vigorous enforcement of the antitrust laws. We should increase the Corporate Average Fuel Economy standard for SUVs and light trucks so that it equals the standard for cars. And, we should ban the exportation of crude oil from Alaska's North Slope.

I want to talk about this last suggestion, because it is the subject of a bill I am introducing today, called the Oil Supply Improvement Act.

For 22 years—from 1973 to 1995—the export of Alaska North Slope oil was banned. We banned it to reduce our dependence on imported oil and to keep gasoline prices down.

Unfortunately, at the behest of oil producers—and despite warnings of higher gasoline prices—the ban was lifted in 1995. Clearly, the fears of those of us who opposed lifting the ban have become reality. The General Accounting Office has confirmed that lifting the export ban resulted in an increase in the price of crude oil by about $1 per barrel.

In fact, some oil companies have used their ability to export this oil to keep the price of gasoline on the West Coast artificially high. The Federal Trade Commission makes this charge in its lawsuit to block the merger of BP-Amoco and Arco. That suit also alludes to secret internal company documents showing that there was price manipulation. Alaska North Slope oil was exported specifically to keep gasoline prices on the West Coast high.

Mr. President, I am not suggesting that this bill alone is the complete solution. It is only one piece of the puzzle, and only one of the things that I am suggesting. But when we have an energy shortage in this country, we should not be sending the oil in this country somewhere else.

This is oil that is on public lands—and that is transported along a federal right-of-way. Taxpayers own this product. In this time of an energy shortage, it is time to put American consumers and industry first.

By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

A MILLION QUALITY TEACHERS ACT

Mr. FRIST. Mr. President, I rise today to introduce A Million Quality Teachers Act. Thomas Jefferson once observed that of all the bills in the federal code, ''by far the most important is that for the diffusion of knowledge among the people.'' ''No surer foundation,'' he said, ''can be devised for the preservation of freedom and happiness.''

Unfortunately, our current foundation of elementary and secondary education is grossly inadequate to enable American children of all income levels and backgrounds to best realize the ''American dream'' and the economic freedoms that the ''American dream'' encapsulates.

Most companies dismiss the value of a high school diploma. Twelfth grade students in the United States rank near the very bottom on international comparisons in math and science. The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the longer our students stay in the elementary and public school system, the worse they perform on standardized tests.

High school graduates are twice as likely to be unemployed as college graduates (3.9% vs. 1.9%). Moreover, the value of a college degree over a high school degree is rising. In 1970, a college graduate made 136% more than a high school graduate. Today it is 176%. Even more ominous are labor participation rates for high school graduates in an information economy. While labor force participation for adults is at an all time high in the American economy, this boom has masked a 10% decline in participation rates for high school graduates since 1970 from 96.3% to 86.4%.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. IT, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

The Senate has begun to consider the reauthorization of the Elementary and Secondary Education Act (ESEA). As a member of the Senate Health, Education, Labor, and Pensions Committee, I have worked hard to ensure that we change the current focus of our federal education effort from a confusing, duplicative, categorical system that relies on inputs to one that focuses on effectiveness and on increased student achievement as a result.

The bill that I introduce today is a good complement to the ESEA bill that we will soon debate on the Senate floor. We have all heard about the impending teacher shortage. The Department of Education estimates that we will need over 2.2 million new teachers in the next decade to meet enrollment increases and to offset the large number of baby boomer teachers who will soon be retiring. Additionally, although America has many high-quality teachers already, we do not have enough, and with the impending retirement of the baby boomer generation of teachers, we will need even more.

the President and many Senate Democrats want to continue to devote significant resources to reducing class size, and the concept to hire more teachers isn't a bad idea. Studies have shown that smaller class size may improve learning under certain circumstances. But class size is only a small piece in the bigger puzzle to improve America's education system, not the catapult that will launch us into education prosperity.

My bill takes the class size reduction money and redirects it to strengthening and improving teacher quality. Tennessee's own William Sanders, a professor at the University of Tennessee, has pioneered the ''value-added'' system of measuring the effectiveness of a teacher. His research demonstrates that teacher quality has a greater effect on student performance than any other factor—including class size and student demographics. He goes on to say that, ''When kids have ineffective teachers, they never recover.'' According to noted education economist and researcher Eric Hanushek of the University of Rochester, ''the difference between a good and a bad teacher can be a full level of achievement in a single year.''

Unfortunately, there are too many teachers in America today who lack proper preparation in the subjects that they teach. My own state of Tennessee actually does a good job of ensuring that teachers have at lest a major or minor in the subject that they teach—well enough to receive a grade of A in that category on the recent Thomas Fordham Foundation report on teacher quality in the states. Even in Tennessee, however, 64.5% of teachers teaching physical science do not even have a minor in the subject. Among history teachers, nearly 50% did not major or minor in history. Many other states do worse.

Additionally, there is consensus that we are not attracting enough of the best and the brightest to teaching, and not retaining enough of the best of those that we attract. According to Harvard economist Richard Murnane, ''College graduates with high test scores are less likely to become teachers, licensed teachers with high test scores are less likely to take jobs, employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.''

A Million Quality Teachers seeks to change that by recruiting, and helping states recruit into the teaching profession top-quality students who have majored in academic subjects. We want teachers teaching math who have majored in and who love math. We want teachers teaching science who have majored in and who love science. This bill helps draw those students into teaching for a few years at the very

least, and studies have shown that new teachers are most effective in the first couple of years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

While teachers are one of our nation's most critical professions, it is often very difficult to attract highly skilled and marketable college students and graduates because of a profound lack of competitive salaries and the burden of student loans. In addition to the loan forgiveness and alternative certification stipends, the legislation will allow states to use up to $1.3 billion originally designated in a lump sum to hire more teachers to instead allow the states to use that money more creatively in programs to attract the kind of quality teachers they need but cannot afford. Using innovative tools already tested by many states, such as signing bonuses, loan forgiveness, payment of certification costs, and income tax credits, states will be able to once again make teaching an attractive and competitive career for our brightest college graduates. Additionally, the legislation does not limit states to these tools, but allows them to receive grants to continue testing other innovative and new programs for the same purposes.

There are two parts to the bill:

Part I is a competitive grant program for States to enable them to run their own innovative quality teacher recruitment, retention and retraining programs. Part II is a loan forgiveness and alternative certification scholarship program to entice individuals with strong academic backgrounds into teaching.

The State grant program will help States focus on recruitment, retention and retraining in the way that best serves the individual State. Some states may decide to offer a teacher signing bonus program like the widely publicized and very successful program in Massachusetts. Other states may choose to institute teacher testing and merit pay, or to award performance bonuses to outstanding teachers. The program is very flexible, yet the State must be accountable for improving the quality of teachers in that State.

States who participate must submit a plan for how they intend to use funds under the program and how they expect teacher quality to increase as a result, including the expected increase in the number of teachers who majored in the academic subject in which they teach, and the number of teachers who received alternative certification, if the funds are used for recruitment activities. If the funds are used for retention or retraining, the State must focus on how the program will decrease teacher attrition and increase the effectiveness of existing teachers.

States must also report at the end of the three-year grant on how the program increased teacher quality and increased the number of teachers with academic majors in the subjects in which they teach and the number of teachers that received alternative certification and/or how the program decreased teacher attrition and increased the effectiveness of existing teachers.

The loan forgiveness provision is different than loan forgiveness already in current law in that it targets a different population: students in college or graduate school today who are excelling in an academic subject. The purpose is to attract students into teaching who might not otherwise choose to pursue a teaching career and who are majoring in an academic subject.

Any eligible student may take advantage of the loan forgiveness and deferral. An eligible student has majored in a core academic subject with at least a 3.0 GPA and has not been a fulltime teacher previously. Loan payments are deferred for as long as the student is obtaining alternative certification or teaching in a public school.

The federal government would actually forgive:

35% of all federally subsidized or guaranteed loans after the first two years that an eligible student teaches;

For the next two years, an additional 30% is forgiven;

After 6 years, an additional 20% is forgiven; and

After 8 years, the remaining 15% of the loan obligation is eliminated.

The premise is that teaching is or will soon be like other professions where there is at least some degree of transience. In fact, recent studies show that most new teachers leave within four years. But these studies also show that new teachers are most effective in the first few years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

Alternative certification stipends will provide a seamless transition for a student from school into teaching. The bill provides stipends to students who have received their academic degrees from a college or university in order to obtain certification through alternative means. Students who have received assistance under the loan forgiveness section get first priority, but any student who has received a bachelors or advanced degree in a core academic subject with a GPA of at least 3.0 and who has never taught full-time in a public school is eligible.

Students would receive the lesser of $5,000 or the costs of the alternative certification program, in exchange for agreeing to teach in a public school for 2 years.

There is also a small amount of money available to the Department of Education for the purposes of notifying eligible students of the loan forgiveness and alternative certification stipend programs and contracting with outside groups of broaden public awareness of the program, including to advertise it in various media formats.

A Million Quality Teachers is a good complement to the Teacher Empowerment Act contained in the ESEA proposal voted out of the HELP Committee by a 10–8 vote. The Teacher Empowerment Act (TEA) directs federal funds to local education agencies for professional development, recruitment and class size reduction, while A Million Quality Teachers directs federal funds to states for statewide initiatives like the very successful Massachusetts teacher signing bonus program. A Million Quality Teachers also addresses the pressing need for more highly-qualified teachers in light of the teacher shortage by providing appropriate incentives to top students in order to entice them into the teaching profession.

The job of every new generation is to meet civilization's new problems, improve its new opportunities, and explore its ever-expanding horizons, creating dreams not just for themselves, but for all who come after. Our job—the job of the current generation—is to help them do just that. Learning is the future. Education is the key. I think it's time we embarked upon a national effort to bring up to a standard demanded by the challenge, and improving teacher quality is the first step. I hope that my colleagues will concur.

ADDITIONAL COSPONSORS

S. 71

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

C. 135

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 546

At the request of Mr. DORGAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) 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. 763

At the request of Mr. THURMOND, the name of the Senator from Indiana (Mr.

LUGAR) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 818

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. ABRAHAM), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special querrilla units or irregular forces in Laos.

S. 931

At the request of Mr. MCCONNELL, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1180

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1364

At the request of Mr. BAYH, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1539

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1690

At the request of Mr. MACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1762

At the request of Mr. COVERDELL. the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1941

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1977

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1977, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 1997

At the request of Mr. BINGAMAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2032

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2032, a bill to amend the Foreign Assistance Act of 1961 to address the issue of mother-to-child transmission of human immunodeficiency virus (HIV) in Africa, Asia, and Latin America.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2068, a bill to prohibit

the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2231

At the request of Mr. COVERDELL, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2262

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2262, a bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2265

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 96

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Con. Res. 96, concurrent resolution recognizing and honoring members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service in the Armed Forces of the United States.

S. RES. 271

At the request of Mr. WELLSTONE, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. Res. 271, a resolution regarding the human rights situation in the People's Republic of China.

S. RES. 276

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 276, a resolution to express the sense of the Senate that the conferees on the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act should submit the conference report on the bill before April 20, 2000, and include the gun safety amendments passed by the Senate.

AMENDMENTS SUBMITTED

LEGISLATION TO IMPROVE THE FEDERAL CROP INSURANCE ACT

LUGAR (AND OTHERS) AMENDMENT NO. 2887

Mr. LUGAR (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. KERREY, and Mr. GRAMS) proposed an amendment to the bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes; as follows:)

On page 2, strike the table of contents and insert the following:

Sec. 1. Short title; table of contents.
TITLE I—CROP INSURANCE COVERAGE
Sec. 101. Quality adjustment.
Sec. 102. Prevented planting.
Sec. 103. Payment of portion of premium by Corporation.
Sec. 104. Assigned yields.
Sec. 105. Multiyear disaster actual production history adjustment.
Sec. 106. Noninsured crop disaster assistance program.
Sec. 107. Crop insurance coverage for rice.
TITLE II—RESEARCH AND PILOT PROGRAMS
Sec. 201. Research and pilot programs.
Sec. 202. Research and development contracting authority.
Sec. 203. Choice of risk management options.
Sec. 204. Risk management innovation and competition pilot program.
Sec. 205. Education and research.
Sec. 206. Conforming amendments.
TITLE III—ADMINISTRATION
Sec. 301. Board of Directors of Corporation.
Sec. 302. Good farming practices.
Sec. 303. Sanctions for program noncompliance and fraud.
Sec. 304. Oversight of agents and loss adjusters.
Sec. 305. Adequate coverage for States.
Sec. 306. Records and reporting.
Sec. 307. Fees for plans of insurance.
Sec. 308. Limitation on double insurance.
Sec. 309. Specialty crops.
Sec. 310. Federal Crop Insurance Improvement Commission.
Sec. 311. Highly erodible land and wetland conservation.
Sec. 312. Projected loss ratio.
Sec. 313. Compliance with State licensing requirements.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Improved risk management education.
Sec. 402. Sense of the Senate regarding the Federal crop insurance program.
TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY
Sec. 501. Effective dates.
Sec. 502. Termination of authority.

On page 7, strike lines 13 through 15 and insert the following:

''(F) CROP YEARS.—This paragraph shall apply to each of the 2001 through 2004 crop years.''.

On page 10, line 2, strike ''or greater than 75 percent'' and insert ''75, 80, or 85 percent''.

On page 13, line 5, strike ''or greater than''.

On page 13, strike lines 20 through 22 and insert the following:

''(F) In the case of additional coverage equal to 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

''(i) 38 percent of the amount of the premium established for coverage at 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

''(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

''(G) In the case of additional coverage equal to 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

''(i) 28 percent of the amount of the premium established for coverage at 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

''(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

''(H) Subparagraphs (A) through (G) shall apply to each of fiscal years 2001 through 2004.''.

On page 23, after line 25, add the following:

SEC. 107. CROP INSURANCE COVERAGE FOR RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102(a)) is amended by adding at the end the following:

''(8) SPECIAL PROVISIONS FOR RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crop of rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.''.

On page 25, line 13, strike ''and''.

On page 25, line 15, strike the period at the end and insert a semicolon.

On page 25, between lines 15 and 16, insert the following:

''(H) subject to paragraph (7), after October 1, 2000, salmon; and

''(I) subject to paragraph (7), after October 1, 2000, loss of or damage to trees or fruit affected by plum pox virus (commonly known as 'sharka'), including quarantined trees or fruit.

On page 27, line 2, strike ''$20,000,000'' and insert ''$10,000,000''.

On page 27, line 4, strike ''$40,000,000'' and insert ''$30,000,000''.

On page 27, line 6, strike ''$60,000,000'' and insert ''$50,000,000''.

On page 27, line 8, strike ''$80,000,000'' and insert ''$60,000,000''.

On page 27, line 10, insert ''(3)(H),'' after ''(3)(G),''.

On page 32, line 17, strike ''and''.

On page 32, line 20, strike the period and insert ''; and''.

On page 32, between lines 20 and 21, insert the following:

''(IV) results in not less than 10 percent of payments being made to producers in States with significant agricultural sectors and traditionally low rates of participation in the Federal crop insurance program.

On page 41, line 17, strike ''516(b)(2)(C)'' and insert ''516(a)(2)(C)''.

On page 44, strike line 19 and insert the following:

period at the end and inserting ''; and''; and

On page 45, strike line 2 and insert the following:

fiscal year.''.

On page 45, strike line 3 and insert the following:

SEC. 204. RISK MANAGEMENT INNOVATION AND COMPETITION PILOT PROGRAM.

Section 522 of the Federal Crop Insurance Act (as amended by section 203(a)) is amended by adding at the end the following:

''(d) RISK MANAGEMENT INNOVATION AND COMPETITION.—

''(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine what incentives are necessary to encourage approved insurance providers to—

''(A) develop and offer innovative risk management products to producers;

''(B) rate premiums for risk management products; and

''(C) competitively market the risk management products.

''(2) ESTABLISHMENT.—

''(A) IN GENERAL.—The Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board risk management products involving—

''(i) loss of yield or revenue insurance coverage for 1 or more commodities (including commodities that are not insurable under this title as of the date of enactment of this section, but excluding livestock);

''(ii) rates of premium for the risk management product; or

''(iii) underwriting systems for the risk management product.

''(B) SUBMISSION TO BOARD.—The Board shall review and approve a risk management product before the risk management product may be marketed under this subsection.

''(C) DETERMINATION BY BOARD.—The Board may approve a risk management product for subsidy and reinsurance under this title if the Board determines that—

''(i) the interests of producers of commodities are adequately protected by the risk management product;

''(ii) premium rates charged to producers are actuarially appropriate (within the meaning of section 508(h)(3)(E));

''(iii) the underwriting system of the risk management product is appropriate and adequate;

''(iv) the proposed risk management product is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

''(v) the size of the proposed pilot area is adequate;

''(vi) insurance protection against the risk covered by the proposed risk management product is not generally available from private plans of insurance that are not covered by this title; and

''(vii) such other requirements of this title as the Board determines should apply to the risk management product are met.

''(D) CONFIDENTIALITY.—

''(i) IN GENERAL.—All information concerning a risk management product shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

''(ii) STANDARD.—If information concerning a risk management product of an approved insurance provider could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

''(3) MARKETING OF RISK MANAGEMENT PRODUCTS.—

''(A) DEFINITION OF ORIGINAL PROVIDER.—In this paragraph, the term 'original provider' means an approved insurance provider that submits a risk management product to the Board for approval under paragraph (2).

''(B) AUTHORITY TO MARKET.—If the Board approves a risk management product under paragraph (2), subject to subparagraph (C), only the original provider may market the risk management product.

''(C) FEE.—

''(i) IN GENERAL.—An approved insurance provider (other than the original provider) that desires to market a risk management product shall pay a fee to the original provider for the right to market the risk management product.

''(ii) AMOUNT.—The original provider shall determine the amount of the fee under clause (i).''.

SEC. 205. EDUCATION AND RESEARCH.

Section 522 of the Federal Crop Insurance Act (as amended by section 204) is amended by adding at the end the following:

''(e) EDUCATION AND RESEARCH.—

''(1) IN GENERAL.—Subject to the amounts made available under paragraph (4), the Corporation shall establish the programs described in paragraphs (2) and (3), respectively, for each of fiscal years 2002 through 2004.

''(2) EDUCATION AND INFORMATION PROGRAM.—The Corporation shall establish a program of education and information for producers in States with traditionally low rates of participation in the Federal crop insurance program.

''(3) RESEARCH AND DEVELOPMENT PROGRAM.—The Corporation shall establish a program of research and development to develop new approaches to increasing participation by producers in States with traditionally low rates of participation in the Federal crop insurance program.

''(4) FUNDING.—From amounts made available under section 516(a)(2)(C) for the choice of risk management options pilot program, the Corporation shall transfer to—

''(A) the education and information program established under paragraph (2)—

''(i) $5,000,000 for fiscal year 2002;

''(ii) $6,000,000 for fiscal year 2003; and

''(iii) $7,000,000 for fiscal year 2004; and

''(B) the research and development program established under paragraph (3), $3,000,000 for each of fiscal years 2002 through 2004.''.

SEC. 206. CONFORMING AMENDMENTS.

On page 65, line 23, strike ''section 102(a)'' and insert ''section 107''.

On page 65, line 25, strike ''(8)'' and insert ''(9)''.

On page 72, lines 18 and 19, strike ''section 204(a)(2)'' and insert ''section 206(a)(2)''.

On page 77, strike lines 1 through 7 and insert the following:

''(2) PURCHASE DURING INSURANCE PERIOD.—A producer of a specialty crop may purchase new coverage or increase coverage levels for the specialty crop at any time during the insurance period, subject to a 30-day waiting period and an inspection by the insurance provider to verify acceptability by the insurance provider, if the Corporation determines that the risk associated with the crop can be adequately rated.

On page 79, strike line 8 and all that follows through page 91, line 11, and insert the following:

SEC. 310. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended to read as follows:

''SEC. 515. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

''(a) DEFINITIONS.—In this section:

''(1) COMMISSION.—The term 'Commission' means the Federal Crop Insurance Improvement Commission established by subsection (b).

''(b) ESTABLISHMENT OF COMMISSION.—There is established a Commission to be known as the 'Federal Crop Insurance Improvement Commission'.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Commission shall be composed of the following 13 members:

''(A) The Under Secretary for Farm and Foreign Agricultural Services of the Department.

''(B) The manager of the Corporation.

''(C) The Chief Economist of the Department or a person appointed by the Chief Economist.

''(D) An employee of the Office of Management and Budget, appointed by the Director of the Office of Management and Budget.

''(E) A representative of the National Association of Insurance Commissioners, experienced in insurance regulation, appointed by the Secretary.

''(F) Representatives of 4 approved insurance providers or related organizations that provide advisory or analytical support to the crop insurance industry, appointed by the Secretary.

''(G) 2 agricultural economists from academia, appointed by the Secretary.

''(H) 2 representatives of major farm organizations and farmer-owned cooperatives, appointed by the Secretary.

''(2) TIME OF APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of the Risk Management for the 21st Century Act.

''(3) TERM.—A member of the Commission shall serve for the life of the Commission.

''(d) DUTIES.—The Commission shall review and make recommendations concerning the following issues:

''(1) The extent to which approved insurance providers should bear the risk of loss for federally subsidized crop insurance.

''(2) Whether the Corporation should—

''(A) continue to provide financial assistance for the benefit of agricultural producers by reinsuring coverage written by approved insurance providers; or

''(B) provide assistance in another form, such as by acting as an excess insurer.

''(3) The extent to which development of new insurance products should be undertaken by the private sector, and how to encourage such development.

''(4) How to focus research and development of new insurance products to include the development of—

''(A) new types of products such as combined area and yield and whole farm revenue coverages; and

''(B) insurance products for specialty crops.

''(5) The use by the Corporation of private sector resources under section 507(c).

''(6) The progress of the Corporation in reducing administrative and operating costs of approved insurance providers under section 508(k)(5).

''(7) The identification of methods, and of organizational, statutory, and structural changes, to enhance and improve—

''(A) delivery of reasonably priced crop insurance products to agricultural producers;

''(B) loss adjustment procedures;

''(C) good farming practices;

''(D) the establishment of premiums; and

''(E) compliance with this title (including regulations issued under this title, the terms and conditions of insurance coverage, and adjustments of losses).

''(e) COMMISSION OPERATIONS.—

''(1) CHAIRPERSON; VOTING.—The Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture shall—

''(A) serve as Chairperson of the Commission; and

''(B) vote in the case of a tie.

''(2) MEETINGS.—The Commission shall meet regularly, but not less than 6 times per year.

''(3) DISCLOSURE.—To the extent that the records, papers, or other documents received, prepared, or maintained by the Commission are subject to public disclosure, the documents shall be available for public inspection and copying at the Office of Risk Management.

''(f) FINAL REPORT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Risk Management for the 21st Century Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report on the review under subsection (d).

''(2) COPIES.—The Commission shall provide copies of the final report to—

''(A) the Secretary; and

''(B) the Board.

''(3) INTERIM REPORTS.—To expedite completion of the work of the Commission, the Commission may submit 1 or more interim reports or reports on 1 or more of the issues to be reviewed.

''(g) TERMINATION.—The Commission shall terminate on the earlier of—

''(1) 60 days after the date on which the Commission submits the final report under subsection (f); or

''(2) September 30, 2004.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

On page 92, strike lines 7 through 13 and insert the following:

SEC. 312. PROJECTED LOSS RATIO.

Section 506(o) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)) is amended by striking paragraph (2) and inserting the following:

''(2) PROJECTED LOSS RATIO.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve—

''(A) during the period beginning on October 1, 1998, and ending with the 2001 crop year, an overall projected loss ratio of not greater than 1.075; and

''(B) beginning with the 2002 crop year, an overall projected loss ratio of not greater than 1.0.''.

SEC. 313. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 206(a)(1)) is amended by adding at the end the following:

''(n) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—Any person that sells or solicits the purchase of a policy or plan of insurance or adjusts losses under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State, and shall comply with all State regulation of such sales and solicitation activities (including commission and anti-rebating regulations), as required by the appropriate insurance regulator of the State in accordance with the relevant insurance laws of the State.''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. IMPROVED RISK MANAGEMENT EDUCATION.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

''SEC. 409. IMPROVED RISK MANAGEMENT EDUCATION FOR AGRICULTURAL PRODUCERS.

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'Center' means a Risk Management Education Coordinating Center established under subsection (c)(1).

''(2) LAND-GRANT COLLEGE.—The term 'land-grant college' means any 1862 Institution, 1890 Institution, or 1994 Institution.

''(b) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program to improve the risk management skills of agricultural producers, including the owners and operators of small farms, limited resource producers, and other targeted audiences, to make informed risk management decisions.

''(2) PURPOSE.—The program shall be designed to assist a producer to develop the skills necessary—

''(A) to understand the financial health and capability of the producer's operation to withstand price fluctuations, adverse weather, environmental impacts, diseases, family crises, and other risks;

''(B) to understand marketing alternatives, how various commodity markets work, the use of crop insurance products, and the price risk inherent in various markets; and

''(C) to understand legal, governmental, environmental, and human resource issues that impact the producer's operation.

''(c) COORDINATING CENTERS.—

''(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a Risk Management Education Coordinating Center in each of 5 regions of the United States (as determined by the Secretary) to administer and coordinate the provision of risk management education to producers and their families under the program in that region.

''(2) SITE SELECTION.—

''(A) IN GENERAL.—The Secretary shall locate the Center for a region at—

''(i) a risk management education coordinating office of the Cooperative State Research, Education, and Extension Service that is in existence at a land-grant college on the date of enactment of this section; or

''(ii) an appropriate alternative land-grant college in the region approved by the Secretary.

''(B) LAND-GRANT COLLEGES.—To be selected as the location for a Center, a land-grant college must have the demonstrated capability and capacity to carry out the priorities, funding distribution requirements, and reporting requirements of the program.

''(d) COORDINATING COUNCIL.—

''(1) ESTABLISHMENT.—Each Center shall establish a coordinating council to assist in establishing the funding and program priorities for the region for which the Center was established.

''(2) MEMBERSHIP.—Each council shall consist of a minimum of 5 members, including representatives from—

''(A) public organizations;

''(B) private organizations;

''(C) agricultural producers; and

''(D) the Regional Service Offices of the Risk Management Agency in that region.

''(e) CENTER ACTIVITIES.—

''(1) INSTRUCTION FOR RISK MANAGEMENT PROFESSIONALS.—Each Center shall coordinate the offering of intensive risk management instructional programs, involving classroom learning, distant learning, and field training work, for professionals who work with agricultural producers, including professionals who are—

''(A) extension specialists;

''(B) county extension faculty members;

''(C) private service providers; and

''(D) other individuals involved in providing risk management education.

''(2) EDUCATION PROGRAMS FOR PRODUCERS.—Each Center shall coordinate the provision of educational programs, including workshops, short courses, seminars, and distant-learning modules, to improve the risk management skills of agricultural producers and their families.

''(3) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—Each Center shall coordinate the efforts to develop new risk management education materials and the dissemination of such materials.

''(4) COORDINATION OF RESOURCES.—

''(A) IN GENERAL.—Each Center shall make use of available and emerging risk management information, materials, and delivery systems, after careful evaluation of the content and suitability of the information, materials, and delivery systems for producers and their families.

''(B) USE OF AVAILABLE EXPERTISE.—To assist in conducting the evaluation under subparagraph (A), each Center shall use available expertise from land-grant colleges, nongovernmental organizations, government agencies, and the private sector.

''(f) GRANTS.—

''(1) SPECIAL GRANTS.—Each Center shall reserve a portion of the funds provided under this section to make special grants to land-grant colleges and private entities in the region to conduct 1 or more of the activities described in subsection (e).

''(2) COMPETITIVE GRANTS.—Each Center shall reserve a portion of the funds provided under this section to conduct a competitive grant program to award grants to both public and private entities that have a demonstrated capability to conduct 1 or more of the activities described in subsection (e).

''(g) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—The National Agriculture Risk Education Library shall—

''(1) serve as a central agency for the coordination and distribution of risk management educational materials; and

''(2) provide a means for the electronic delivery of risk management information and materials.

''(h) FUNDING PROVISIONS.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2001 and each subsequent fiscal year.

''(2) DISTRIBUTION.—

''(A) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—For each fiscal year, of the funds made available to carry out this section, 2.5 percent shall be distributed to the National Agriculture Risk Education Library.

''(B) CENTERS.—For each fiscal year, the remainder of the funds made available to carry out this section shall be distributed equally among the Centers.

''(C) ADMINISTRATION BY LAND-GRANT COLLEGES.—The land-grant college at which a Center is located shall be responsible for administering and disbursing funds described

in subparagraph (B), in accordance with applicable State and Federal financial guidelines, for activities authorized by this section.

''(3) PROHIBITION ON CONSTRUCTION.—

''(A) LOCATION OF CENTERS.—Each Center shall be located in a facility in existence on the date of enactment of this section.

''(B) PROHIBITION.—Funds provided under this section shall not be used to carry out construction of any facility.

''(i) EVALUATION.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall evaluate the activities of each Center to determine whether the risk management skills of agricultural producers and their families are improved as a result of their participation in educational activities financed using funds made available under subsection (h).''.

SEC. 402. SENSE OF THE SENATE REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of the Senate that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled ''General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities'', published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rulemaking process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 92, line 15, insert ''subsection (c)(2) and'' after ''carry out''.

On page 92, line 17, strike ''204'' and insert ''206''.

Beginning on page 92, strike line 23 and all that follows through page 93, line 9, and insert the following:

(2) INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS OF DURUM WHEAT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer of durum wheat that purchased a 1999 Crop Revenue Coverage wheat policy by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(B) BASE AND HARVEST PRICES.—The base price and harvest price under the policy shall be determined in accordance with the Commodity Exchange Endorsement for wheat published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(C) REINSURANCE.—Subject to subparagraph (B), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(D) VOIDING OF BULLETIN.—Bulletin MGR–99–004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(E) EFFECTIVE DATE.—This paragraph takes effect on October 1, 2000.

On page 93, line 10, strike ''**sec. 402.**'' and insert ''**sec. 502.**''.

On page 94, strike lines 1 and 2 and insert the following:

1508(a)) is amended by redesignating paragraph (8) (as added by section 107) and paragraph (9) (as added by section 305) as paragraph (7) and paragraph (8), respectively.

On page 94, line 5, strike ''203'' and insert ''205''.

On page 94, line 24, strike ''subsection (c)'' and insert ''subsections (c), (d), and (e)''.

WELLSTONE AMENDMENT NO. 2888

Mr. WELLSTONE proposed an amendment to the bill, S. 2251, supra; as follows:

On page 92, strike lines 7 through 13 and insert the following:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON RALLY FOR RURAL AMERICA AND RURAL CRISIS.

(a) FINDINGS.—Congress finds that—

(1) on March 20–21, 2000, thousands of rural citizens, working families, and those representing the environmental and religious communities traveled to Washington, D.C., to participate in the Rally for Rural America;

(2) a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity participated in organizing the Rally for Rural America;

(3) although the majority of America has reaped the benefits of the strong economy, rural Americans are facing their toughest times in recent memory;

(4) the record low prices on farms and ranches of the United States have rippled throughout rural America causing rural communities to face numerous challenges, including—

(A) a depressed farm economy;

(B) an escalation of mergers and acquisitions;

(C) a loss of businesses and jobs on rural main street;

(D) erosion of health care and education;

(E) a decline in infrastructure;

(F) a reduction of capital investments; and

(G) a loss of independent family farmers;

(5) the Rally for Rural America urged Congress to reform the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127) to formulate rural policies in a manner that will alleviate the agricultural price crisis, ensure fair and open markets, and encourage fair trade;

(6) thousands of rural citizens have advocated farm policies that include—

(A) a strong safety net for all agricultural producers;

(B) competitive markets;

(C) an investment in rural education and health care;

(D) protection of natural resources for the next generation;

(E) a safe and secure food supply;

(F) revitalization of our farm families and rural communities; and

(G) fair and equitable implementation of government programs;

(7) because agricultural commodity prices are so far below the costs of production, eventually family farmers will no longer be able to pay their bills or provide for their families;

(8) anti-competitive practices and concentration are a cause of concern for American agriculture;

(9) rural America needs a fair and well reasoned farm policy, not unpredictable and inequitable disaster payments;

(10) disaster payments do not provide for real, meaningful change; and

(11) the economic conditions and pressures in rural America require real change.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the participants in the Rally for Rural America are commended and their pleas have been heard; and

(2) Congress should respond with a clear and strong message to the participants and rural families that Congress is committed to giving the crisis in agriculture, and all of rural America, its full attention by reforming rural policies in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets;

(C) invest in rural education and health care;

(D) protect our natural resources for future generations; and

(E) ensure a safe and secure food supply for all.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 93, line 10, strike ''**Sec. 402.**'' and insert ''**Sec. 502.**''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and transportation be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 9:30 a.m.

on the nomination of Susan Ness to be a commissioner with the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 for hearing regarding the Inclusion of a Prescription Drug Benefit in the Medicare Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 10:00 a.m. for a hearing regarding the Department of Energy's Management of Health and Safety Issues Surrounding DOE's Gaseous Diffusion Plants at Oak Ridge, Tennessee and Piketon, Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 9:30 a.m. to conduct a hearing on the nomination of Mr. Thomas N. Slonaker to be Special Trustee for American Indians. The hearing will be held in the Committee room, 485 Russell Senate building. The hearing will be preceded by a business meeting to mark up S. 1586, Indian Land Consolidation, and S. 1315, Oil and Gas Leases on Navajo Allotted Lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the committee on rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 9:00 a.m., to receive testimony on the Constitution and campaign reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs. The hearing will be held on Wednesday, March 22, 2000, at 10:00 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 22, 2000, at 2:00 p.m. in open session, to receive testimony on tactical aviation issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 2:30 p.m., on NASA management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 22 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on H.R. 862, a bill to direct the Secretary of the Interior to implement provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Services District; H.R. 992, a bill to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes; H.R. 1235, a bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; H.R. 3077, a bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California to facilitate water transfers in the Central Valley Project; S. 1659, a bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights, and Competition be authorized to meet to conduct a hearing on Wednesday, March 22, 2000, at 2:00 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 10:15 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 22, 2000. The purpose of this meeting will be to discuss legislation regarding the appraisal process to make it fair for cabin owners and taxpayers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 9:30 a.m., in open session to receive testimony on the Department of Defense's acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the defense industrial base.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, to conduct a hearing on ''Trading Places: Markets for Investors.''

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2267

Mr. GRASSLEY. Mr. President, I understand S. 2267 is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2267) to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

Mr. GRASSLEY. Mr. President, I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 23, 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 23. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 11 a.m. with the time equally divided between Senator CRAIG or his designee and Senator DURBIN or his designee, and that Senator CRAIG be in control of the first half of the time. Finally, I ask unanimous consent that Senator BAUCUS be allotted up to 10 minutes of the time under the control of Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. For the information of all Senators, at 9:30 a.m. on Thursday, the Senate will begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of S. 2251, the crop insurance bill. By previous agreement, the Wellstone amendment will be voted on at 11 a.m., with 2 minutes equally divided prior to the vote. Following that vote, the Senate will proceed to a vote on final passage of the bill. Therefore, Senators can expect two back-to-back votes at approximately 11 a.m. During tomorrow's session, the Senate may also begin consideration of any other Legislative or Executive Calendar items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Thursday, March 23, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 2000:

DEPARTMENT OF DEFENSE

BRUCE SUNDLUN, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE EAMON M. KELLY, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

NURIA I. FERNANDEZ, OF ILLINOIS, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE GORDON J. LINTON, RESIGNED.

DEPARTMENT OF STATE

LAWRENCE GEORGE ROSSIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIO FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

NATIONAL SCIENCE FOUNDATION

JOHN A. WHITE, JR., OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT. (NEW POSITION)

EXTENSIONS OF REMARKS

INTRODUCTION OF THE BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT OF 2000

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mrs. BIGGERT. Mr. Speaker, the U.S. General Accounting Office [GAO] released reports in 1995 and 1996 outlining the deplorable conditions in many of our Nation's elementary and secondary schools. A sample GAO survey showed that America's schools are in need of an estimated $112 billion in repairs and that $11 billion alone is needed to get schools in compliance with Federal mandates requiring the elimination of hazards such as asbestos, lead in water and radon, and to improve accessibility for the disabled.

The decline in the condition of our Nation's schools is not limited to a particular region. Every State has schools that are in need of repair and modernization, and my home State of Illinois is no exception. Last August, the Illinois State Board of Education released the results of its own survey, which showed that over the next 5 years, Illinois' school districts will need more than $7 billion in infrastructure work.

Mr. Speaker, as a strong supporter of local education, I believe that school construction and renovation are areas best directed by States and local communities. That's why I applaud those States that have passed measures designed to help schools replace and modernize their facilities. Illinois is one of those States that have stepped up to the plate in this regard.

In December 1997, the Illinois General Assembly passed a school construction law to address the shortage of classroom space brought on by population growth and aging buildings. To fund the program, the General Assembly approved the sale of $1.1 billion in school construction bonds over a 5-year period. Just last year, Illinois Governor George H. Ryan's Illinois FIRST program increased funding for the school construction grant program by $1 billion, adding another $290 million for fiscal year 2000.

Despite the best efforts of Illinois and other States, the long-term costs of repairing and upgrading our Nation's schools are proving more than many State and local governments can bear. And in this era of budget surpluses, it would not be right for Congress to sit idly by and let schools fall into further disrepair and obsolescence.

That's why I rise today to introduce the Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act—legislation addressing our Nation's exploding need for elementary and secondary education school repair. This legislation is a slightly modified companion bill to S. 1992, which was introduced in the other chamber by my friend and colleague, Senator SNOWE of Maine.

Here is what the BRICKS Act does. First, it provides $20 billion in interest-free and low-interest Federal loans to support school construction and repair at the local level. These loans will be used to pay the interest owed by States and localities to bondholders on new school construction bonds that are issued through the year 2003. These loans will be interest-free for the first 5 years, with low interest rates to follow.

Second, the BRICKS Act allocates these school construction loans on an annual basis, using the title I distribution formula. Monies would be distributed to States at the request of each State's Governor and without a lengthy application process.

The money provided for under this bill is used to support, not supplant, local school construction efforts. These loans are designed to allow States and localities to issue bonds that would not otherwise be made due to financial limitations.

Third, and perhaps most importantly, these loans will be distributed in a fiscally responsible manner that does not take away from the Social Security program or the projected on-budget surpluses. Specifically, my bill will generate funding from the Exchange Stabilization Fund [ESF]—a fund that was created through the Gold Reserve Act of 1934 and that currently has more than $40 billion in assets.

Finally, the school construction and modernization loans are not a government handout. The BRICKS Act requires a State entity or local government that receives funding under this legislation to repay the loan to the Exchange Stabilization Fund. At the same time, this proposal ensures that States and local governments will not be burdened by excessive interest rates—or be forced to repay the loan in an unreasonable amount of time.

After the first five interest-free years, the interest rates on these loans will be set at the average prime lending rate for the year in which the bond is issued, but it cannot exceed 4.5 percent. Again, no payment will be owed, and no interest will accrue for 5 years, unless the Federal Government prior to that time meets its financial commitment to funding 40 percent of the costs borne by local school districts for providing special education services, as is currently required by Federal law.

Mr. Speaker, the BRICKS Act is a fiscally responsible answer to a serious national problem. I am proud to offer this legislation for the House's consideration. I am more pleased to note how this legislation will help schools located in the 13th Congressional District of Illinois, which I represent. As my colleagues may know, the 13th district encompasses some of the fastest growing communities in the nation.

School administrators in my district have made it known that school construction and renovation have failed to keep pace with the explosive population growth and increased rates of student enrollment. What's more, they tell me that the growth in tax revenues from new households has not kept up with the costs of construction needed to serve them. By providing schools and States with more fiscal flexibility and options, the BRICKS Act addresses this problem in my congressional district and in districts across the United States.

I urge my colleagues to support the BRICKS Act. This timely legislation makes responsible use of limited Federal resources and effectively meets a commitment to giving every child an opportunity to attend school in an environment that is physically safe and conducive to learning.

CHINA: THE HUMAN RIGHTS VIOLATIONS CONTINUE—REBIYA KADEER SENTENCED TO 8 YEARS IN JAIL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. PORTER. Mr. Speaker, today I rise to highlight on yet another incidence of the Chinese Government's blatant violation of human rights. 1999 was one of the worst years yet in recent Chinese history for arbitrary detentions, arrests, and human rights violations, and it is looking like 2000 will be no different.

This time the victim is a 53-year-old Uighur businesswoman, Rebiya Kadeer. On March 10, 2000, Ms. Kadeer was sentenced to 8 years in jail for ''giving information to separatists outside the country.''

Ms. Kadeer is a well respected businesswoman who was once officially touted as an inspiration to her fellow members of the Uighur ethnic group. Her efforts to business enterprises have been recognized by Chinese authorities as contributing to the overall economic and social development of the Xinjiang Uighur Autonomous Region. So respected was she by the Beijing establishment that she was chosen in 1995 as part of China's official delegation to the U.N. Fourth World Conference on Women in Beijing.

However, in 1997, Ms. Kadeer was stripped of her passport, and with it the right to freedom of movement as well as subjected to continual police harassments. These actions were clearly aimed at silencing her husband, Mr. Sidick Rozi, a former political prisoner who has been an outspoken critic of China's treatment of the Uighur minority in western China. Mr. Rozi, now living in the United States, has made numerous statements on Radio Free Asia, Voice of America and testified last July before the Congressional Human Rights Caucus concerning the extremely harsh discriminations suffered by the Uighur minority. Ms. Kadeer was made a hostage in her own country, unable to join her husband and a number of her children in the United States, simply because of the political activities of her husband.

On August 11, 1999 Rebiya Kadeer was arrested while she was on her way to meet with a group of Congressional Staff visiting China. She was charged in September with ''providing secret information to foreigners.'' Ms. Kadeer does not have access to ''state secrets'', she is a businesswoman, not a political

activist. After seven months of detention and the arrest and subsequent arbitrary sentencing of her secretary and one son, Ms. Kadeer was given a 4-hour trial. During this trial, neither she nor her lawyer were able to speak, none of her children were allowed to attend and the 300 Uighurs who had gathered at the courthouse were dispersed by Chinese police.

This was not a trial. It was a farce. If China wants to be a full partner in the international arena, it has to start abiding by international norms and living within the rule of law. Seven months of arbitrary detention and a trial where the defendant's lawyer is not allowed to speak is not an accepted practice within the international community and should not be an accepted practice in China.

Ms. Kadeer was traveling to meet with congressional staff, official representatives of the U.S. Government, when she was detained. This did not seem to matter to the Chinese and it appears to be one of the factors for the timing of her arrest. Clearly, the Chinese were sending a signal: Any citizen who meets with or talks to United States citizens is risking detention, arrest and a prison sentence.

I call on the Chinese Government to immediately and unconditionally release Rebiya Kadeer, her son, Ablikim Abyirim and her secretary, Kahriman Abdukirim. They have not committed any crimes. Further, I call on the Clinton administration to do everything in its power to secure these releases.

Incidences like this prove that this is not the time to ease the pressure on China. We in the United States, and around the world must never give up our ideals and belief in human freedom, and need to pressure dictators, oppressors and abusers around the world that lack the respect for the rule of law and for human life. Only if Ms. Kadeer's case is brought to the highest level of our Administration and the Chinese Government is there any hope that Ms. Kadeer will not spend the next 8 years of her life in a Chinese prison—8 years she should be spending with her husband and 10 children—and for speaking up for the most basic human rights of her people, the Uighurs.

FOR ITALIANS, ''SOPRANOS'' IS A SOUR NOTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. RANGEL. Mr. Speaker, it is time to end racial and ethnic stereotyping in our national media. While many ethnic groups have been victimized in this way. Italian-Americans have lately been the target of a hit television program about a family of gangsters, titled ''Sopranos.''

Frankly, all of the Italian-Americans that I know are honest, upstanding citizens who work every day to support their families, to educate their children, and to build their communities. They are blue- and white-collar workers and professionals. They vote, pay taxes, and believe in the American dream that hard work will yield success.

My dear friend and our former colleague in the House of Representatives, the Hon. Frank Guarini, eloquently addressed this issue in a letter to the Wall Street Journal on February 15, 2000.

[From the Wall Street Journal, Feb. 15, 2000]

FOR ITALIANS, ''SOPRANOS'' HIT A BIG, SOUR NOTE

(By Frank J. Guarini)

Eric Gibson's Jan. 28 de gustibus column (''Second Thoughts About a Mob Hit on Sunday Night,'' Taste page, Weekend Journal) correctly notes that the HBO series ''The Sopranos'' and others like it have put a slick entertaining face on a subgroup of criminals who rightly deserve society's harshest condemnation. We wish he had taken his criticism one step further, however, and included the harm that programs like ''The Sopranos'' do to the image of an estimate 20 million Americans of Italian descent.

Thanks to Hollywood and television, Italian Americans see their culture, religion and customs repeatedly used to give ''color'' to stories about organized crime. As a result of such stereotyping, most Americans believe Italian Americans are prone to the same violent, immoral behavior that ''The Sopranos'' offers up as entertainment.

The National Italian American Foundation would like to see HBO present Italian-Americans as they really are: as scientists, educators, military and political leaders and entrepreneurs. It's time for the entertainment industry to balance the false and harmful stereotypes of organized crime figures like Tony Soprano and his mob crew by creating Italian American characters who are educated, law-abiding and articulate.

IN HONOR OF THE 100TH ANNIVERSARY OF THE OHIO STATE FIRE MARSHAL'S OFFICE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Ohio State Fire Marshal's office on its 100th Anniversary, on April 8, 2000.

The Ohio State Fire Marshal's Office is the oldest established State Fire Marshal's Office in the United States. The office is very proud of its history of fire safety. The Ohio State Fire Marshal serves the citizens of Ohio who rely on the safety of the public buildings in the state, including hospitals, nursing homes, and hotels. They serve and train the firefighters of the state, they investigate cases of arson, and they provide fire safety and fire prevention education to the children in Ohio's school system. The mission of the Ohio State Fire Marshal's office is to ''focus on education, research, regulation, and enforcement in the area of fire safety and fire prevention.''

In order to celebrate this important day and to honor the four living former Ohio Fire Marshals, the Fire Marshal's office has planned a Fire Service Exposition on April 8, 2000. Included in the day's festivities will be safety performances by Ohio firefighters and demonstrations by the Ohio arson dogs, as well as interactive children's activities and historical firefighting exhibitions. The Expo will also honor fallen firefighters with a ''last call'' and bagpipe tribute.

The Fire Marshal plays an important role in preserving the safety of all the citizens of the state of Ohio. Please join me in honoring the Ohio State Fire Marshal's Office on the occasion of its 100th Anniversary.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BATEMAN. Mr. Speaker, I was regrettably absent on Tuesday, March 21, 2000, and consequently missed two recorded votes. Both were conducted under suspension of the rules. Had I been present, I would have voted as follows: H. Con. Res. 288, vote No. 56, "yea"; H. Res. 182, vote No. 57, "yea."

PRIVATE PROPERTY RIGHTS

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SMITH OF TEXAS. Mr. Speaker, I would like to submit the following article to accompany the speech I gave on March 16, 2000.

[From the Washington Times, Mar. 16, 2000]

PROPERTY OWNERS DUE A HEARING

(By Nancie G. Marzulla)

In 1992, Bernadine Suitum faced the ultimate nightmare for a homeowner. When she was ready to build a retirement house on a lot she and her late husband bought years earlier, she was informed that the property, in the middle of the bustling Incline Village subdivision, suddenly was deemed part of a ''stream environment zone.''

This meant she could not build because a government regulation, imposed after she and her husband had bought the property, required the lot to remain open space. Mrs. Suitum sued the Tahoe Regional Planning Agency (TRPA) for compensation for her property, as the Fifth Amendment explicitly requires in such instances. TRPA argued that her case was not ''ripe'' for court review because there had not been a final agency action.

After six years of bitter litigation, the elderly Mrs. Suitum was carried in her wheelchair into the U.S. Supreme Court—not to be compensated for her property, but merely to win the right to have her case declared ripe for court review. During oral argument, Justice O'Connor turned to the government attorney and asked incredulously, ''Why can't you just let this poor woman have her day in court?''

The House of Representatives is expected to vote on the same question today. H.R. 2372, the Private Property Rights Implementation Act of 1999, was referred out of the House Judiciary last week. If passed, the bill would cut through the bureaucratic red tape that hobbles property owners such as Mrs. Suitum when they attempt to take their constitutional claims to federal court. H.R. 2372 takes head-on the issue of when a case is ripe for court review by defining when an agency action is sufficiently final so court review is appropriate. By providing an objective standard of when enough is enough, the bill eliminates the need for the endless, expensive and excruciating cycle of appeals.

Government attorneys often win cases by taking full advantage of the confusion over when a case is ripe for court review. They win by nitpicking procedural battles, exhausting the resources and the will of property owners. This has had a chilling effect on landowners who know they simply cannot compete with bottomless government resources in a judicial system tilted toward the side with the biggest war chest.

Professor Mandelker from Washington University in St. Louis reported to Congress last session that 81 percent of the federal constitutional takings cases taken to federal court for claims against a local or state government are dismissed on procedural grounds. In his testimony he cites another study that reports a whopping 94 percent dismissal rate. Of the small percentage of cases not dismissed, those same studies show it takes property owners almost a full decade to have their cases heard on the merits in federal court. According to Professor Mandelker, the current ripeness rules ''are an open invitation for some local governments to do mischief.'' He confirmed that ''land use agencies across the country have applied the ripeness requirement to frustrate as-applied takings claims in federal court.''

While H.R. 2372 goes a long way toward preventing abuses of the current ripeness requirements, it does not guarantee property owners a win once they are in court. H.R. 2372 still requires property owners to meet the strict burden of proof needed to win their cases on the merits. Nor does H.R. 2372 amend any land use laws or any environmental protection statutes, or require compensation at some designated level. In short, the bill does not change substantive ''takings'' law or the ease the burden of winning a case for a property owner. It simply makes the litigation process fairer and less expensive.

The constitutional right to just compensation for the taking of property rights is so important to Americans that many people refer to it as the linchpin of liberty. By clearing out the underbrush in the procedures for litigating takings claims in federal court, Congress can take a crucial first step in achieving protection for this critical constitutional right.

ROTARY OF RIVERSIDE 80TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. CALVERT. Mr. Speaker, I rise today to commemorate the Rotary Club of Riverside's 80th anniversary. From their very conception on April 20, 1920, when they received their charter from Rotary International, the Club has enriched the Riverside community by observing the Rotary motto, ''Service Above Self.'' Members of the club include community leaders in business, trade, professions and government.

The Rotary Club of Riverside has given to the local community by sponsoring projects to aid Riverside youth through the sponsorship of Bryant Elementary School; through an annual awarding of scholarships to deserving Riverside high school seniors, from the $200,000 John Cote Scholarship Fund; through the establishment of a vibrant Interact Club at Riverside Poly High School; and through contributions to the establishment of the Riverside Youth Museum.

On an international basis the Rotary Club of Riverside has contributed and supported the Rotary International Polio Plus program to eradicate polio in developing countries and regions worldwide; and a little closer to home, through materials, gifts and caring to the children of orphanages in Tijuana, Mexico, in partnership with the Rotarian of Centenario Rotary Club of Tijuana.

The Rotary Club of Riverside will officially observe its anniversary with a Picnic Celebration on April 2, 2000, in Riverside, CA. It will be attended by the club's members and their families, guests and dignitaries, including: the Honorable Ronald Loveridge, the mayor of Riverside; the Honorable Tom Mullen, chairman of the Riverside County Board of Supervisors representing the 5th county district; and the Honorable Rod Pacheco, California Assemblyman representing the 64th assembly district.

Mr. Speaker, I congratulate the Rotary Club of Riverside on its 80th anniversary and commend its local community and international service.

WOMEN'S HISTORY MONTH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BISHOP. Mr. Speaker, as we celebrate Women's History Month, it's fitting to recall the words of a writer and historian from Georgia named Octavia Albert, who said: ''I believe we should not only treasure our history, but should transmit it to our children's children as the Lord commanded Israel to do in reference to their deliverance from Egyptian bondage.'' The stories of our history, she explained, can inspire our own generation and the generations that follow to fulfill the country's promise of freedom and opportunity for all.

Octavia Albert's story is certainly inspirational. She was born into slavery in Oglethorpe, GA, in the area of the state that I have the privilege of representing. After becoming a teacher in the county where she was born and raised, she published a book based on interviews with former slaves that was widely read at the turn of the century. Her book eventually helped improve conditions for a newly emancipated people and, in late years, provided a wealth of information for historians.

More than a century later, another Georgian named Susan Still Kilrain is inspiring young people in our state and across the nation. A graduate of Georgia Tech, she became a U.S. Navy pilot in 1987, who served as a flight instructor and later as a test pilot who eventually logged more than 2,000 flight hours in more than 30 different aircraft.

In 1994, Susan Kilrain was accepted into the country's space program as an astronaut. Her first space mission came in 1997 as part of the crew of the Microgravity Science Laboratory-1, making 63 orbits of Earth and traveling more than 1.5 million miles in space. Three months later, the Microgravity Science Lab went back into space, and she was on it. This time, she spent 16 days in space, making 251 orbits and traveling 6.3 million miles.

Marguerite Neel Williams of Thomasville, GA, which is also located in my area of Georgia, who passed away not long ago, is certainly an inspiration. Just this month, she was formally recognized by the Georgia Women's History Committee and the Georgia Commission on Women as one of the greatest historic preservationists in our State and, in fact, in the country.

During her years as president and director of Landmarks of Thomasville, she was instrumental in saving the community's historic district and in saving and restoring many homes, churches, and other beautiful buildings. She salvaged the city's old post office, which now houses a Welcome Center, a fine Arts Library, and the offices for the Antique Show and Sale in Thomasville, which she founded and which has become one of the most outstanding events of its kind in the country. She devoted her life to civic improvements, and helped raise the quality of life for many thousands of her fellow Georgians.

To one former President, and to all of her neighbors in Plains, GA, Maxine Reese is certainly an inspiration. She served as Jimmy Carter's campaign manager in Plains, where the Presidential campaign headquarters was officially located. Maxine Reese later played a big part in persuading Congress to designate Plains as a National Historic Site, which has promoted tourism in this area and a better quality of life for many families. The people of Plains recently rededicated the city park as the Maxine Reese Park in recognition of her service to her community, State and country.

When inspiration is the topic of discussion, another person who qualifies is Harriett Riggins McGhee, a native of Lee County in the heart of Georgia's Second District. Surrounded by scores of friends and family members, she recently celebrated her 116th birthday at the Union Missionary Baptist Church, where she has been a member for more than 80 years. Mrs. McGhee spent many of her earlier years picking cotton and peanuts to support her family. Throughout those years, she was always active in her church and ready to help others in need. Even in hard times, recalls her great-great-grandnephew Eddie Holsey, she has always been ''the sweetest woman on God's earth.''

These are women with extraordinary courage and commitment, whose exemplary lives have helped the country fulfill its promise. They are exceptional people. But they are certainly not alone. There are countless examples of women from my State of Georgia, and from throughout the country, who have made heroic contributions in public service; civic leadership; business; religion; the military; the arts; sports; entertainment, and in every endeavor that has made our country what she has been and what she is.

Mr. Speaker, Women's History Month gives us an opportunity to treasure our history—and, in so doing, to inspire us to strive even harder to fulfill our country's great promise for ourselves and future generations.

IN HONOR OF JANE SCOTT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Jane Scott of Cleveland, Ohio. A Cleveland native, Jane has covered the rock 'n' roll scene since September 15, 1964.

Born in Mt Sinai Hospital April 30, 1919, Jane graduated from Lakewood high school in the Class of 1937. After which she attended the University of Michigan where she studied English & Speech and received a teacher's certificate she admits to never having used. During World War II, Jane served in the Navy

as one of Cleveland's first WAVES where she was a code breaker.

March 24, 1952, Jane joined the Plain Dealer as an assistant to the Society Editor and with a salary of $50 a week. She became the newspaper's rock writer when she took over as the ''Boy and Girl'' editor. She gradually switched the emphasis from the ''schooly-dooley stuff'' to music. After seeing the Beatles on the Ed Sullivan show she immediately realized that was what American youth really wanted to hear. Jane's first interview was with the Beatles on September 15, 1964. Over the years Jane has interviewed countless legends, and is on a first-name basis with most of rock's finest performers.

Jane has been a familiar face in the audience at concerts. The image most Cleveland-area concert goers have of Ms. Scott is, Jane swooping down upon a group of fans with notebook in hand to drill them on their opinions and to ask her infamous question, ''What high school do you go to?'' Jane's spirit and attitude sets her apart from many rock journalists; she has always tried to tell a piece of her story through the eyes of the fans. At age 80, she says she doesn't understand the word retirement and has a notion to cover the 50th anniversary of Woodstock.

Please join me in honoring Ms. Jane Scott for her 81st birthday and almost 40 years of rock 'n' roll coverage.

THE NEED FOR A NATIONAL DIALOGUE IN KAZAKHSTAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. PORTER. Mr. Speaker, last December, President Nursultan Nazarbayev of Kazakhstan was in Washington for the annual meeting of the U.S.-Kazakhstan Joint Commission. The purpose of these meetings, which are alternately held in the United States and Kazakhstan, is to promote economic and political cooperation between our two countries. Among other things, the U.S. side regularly presses the government of Kazakhstan to improve its human rights record and undertake economic and political reform.

I understand that U.S. officials pressed the Kazakhstan side especially hard this year, because of the sham parliamentary elections that were held last October, heightened corruption, and an acceleration of abusive action taken against opponents of President Nazarbayev's increasingly repressive government. In an apparent move to blunt the severity of U.S. pressure during the upcoming Joint Commission meeting, President Nazarbayev issued a statement on November 4, 1999 saying that he was ready to cooperate with the opposition in Kazakhstan and that he would welcome the return of former Prime Minister Akhezan Kazhegeldin, the exiled leader of the main opposition party.

On November 19, Mr. Kazhegeldin responded to President Nazarbayev by calling for a ''national dialogue'' to examine ways to advance democracy, economic development and national reconciliation in Kazakhstan. Similar national dialogues have met with success in Poland, South Africa, and Nicaragua. Mr. Kazhegeldin pointed out that convening a national dialogue would be an ideal way to initiate cooperation between the opposition and the government.

However, President Nazarbayev has reacted only with silence to Mr. Kazhegeldin's proposal. Mr. Nazarbayev also arranged to have a kangaroo court convict an opposition leader for having the temerity to criticize Nazarbayev's government. Finally, and this is very troubling, an investigation and a trial have failed to find anyone to blame for the delivery last year of 40 MiG fighter aircraft from Kazakhstan to North Korea.

Mr. Speaker, the Administration needs to stop turning the other cheek every time that Mr. Nazarbayev commits an outrage. The cause of freedom and democracy will continue to backslide in Kazakhstan unless the Administration comes out strongly in favor of a national dialogue along the lines that former Prime Minister Kazhegeldin has proposed. At the very least, the government of Kazakhstan should make an hour a week of state-controlled television available for use by the opposition. The U.S., for its part, should assist the democratic opposition by providing a printing press to replace those that have been confiscated by the government. It is time to stand up for democracy in Kazakhstan and to stop coddling dictators like Nazarbayev.

GEORGE JACKSON: HARLEM'S SHINING MEDIA STAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to George Jackson, whose outstanding record of accomplishment in the media and entertainment was cut short with his passing on February 10, 2000.

Jackson was Harlem's shining media star. Before his death at age 42, he had compiled a record of successes in film, music and the internet.

I offer special commendation and condolences to the mother of George Jackson, Henrietta ''Hennie'' Hogan, who as production supervisor at my hometown newspaper, the Amsterdam News, nurtured his interest in communications.

Therefore, I commend to my colleagues the following tribute on George Jackson which appeared in the Amsterdam News.

[From the Amsterdam News]

SHOOTING STAR LEAVES US

(By Vinette K. Pryce)

It is the letter ''h'' which sums up George Jackson's life as a legacy who enhanced the music industry.

During a sentimental journey, titled ''From Henrietta, to Harlem, to Harvard, to Hollywood, to Heaven,'' his longtime mentor Brian Carty reflected on Jackson's life with friends and admirers on Monday at St. Paul the Apostle Cathedral. A life which began when he was born to Henrietta ''Hennie'' Hogan on Jan. 6, 1958.

Carty's eulogy was punctuated with Biblical quotations from Philippians, Chapter 2, verses 1–4 and 12–18, which discuss servitude and a spiritual connection to duty.

Hogan, he said, considered her son a gift. Encouraging George's every endeavor, Hogan nourished his ideas by enrolling her son in a preparatory school. Hogan's career as production supervisor at the New York Amsterdam News helped supplement George's zeal for media/communication and entertainment. When he graduated from Monsignor William R. Kelly and Fordham Prep, there was no doubt that George's next venture would be advanced education at one of America's most prestigious universities, Harvard. The Ivy League institution proved fertile ground for George's broad sociological outlook on society. He chose the field as one of two majors (the other was economics).

It was that fundamental preparation which motivated him to venture west to a state where he had few connections, but a much bigger sociological challenge than any other he had ever embraced. George tackled his commitment by combining Hogan's teachings, his Harlem upbringing and his Harvard education with film to project poignant issues and some very successful films.

Richard Pryor's Indigo Productions at Columbia Pictures helped hone Jackson's career from 1984–86. It was a new day for the white-washed movie world, which had not yet embraced faces like Wesley Snipes. Jackson partnered with Doug McHenry, and the pair decided on bold collaborative ideas. They co-produced 12 films including ''Krush Groove,'' ''New Jack City'' and the Martin Lawrence hit ''Thin Line Between Love and Hate.''

While the films' messages sparked curiosity, the soundtracks spawned success after success, reaping platinum and multi-platinum status. Assured of his impact and dedication, a slumping Motown Records borrowed his talent by naming him president of the legendary record label.

That appointment returned the Harlemite to the East Coast, Hogan and a whole new challenge. Again George accepted the mantle. It was here be attempted to use his college education in sociology in the making of music videos, which sell CDs.

Hogan completely understood that her son was destined on a course which extended from coast to coast and would impact on millions.

Jackson's tenure at Motown ended with a new venture—one which prepared him for the 21st century and a whole new approach to sociology. George dedicated nights and days to Urban Box Office, an Internet venture which focused on the hip-hop culture. In addition, he started working on Soul Purpose, an online media magazine which was on the verge of a major breakthrough.

''He worked 18-hour days,'' said Vivian Chew, president of Time Zone International. ''He was always at everyone's beck and call.''

Immersed in preparations for a major hip-hop convention planned for London in May, Chew explained that Jackson virtually ''held [her] hand'' through acquisitions of many deals surrounding the international music meet.

When Chew heard of the Feb. 10 tragedy, she said she felt as if she had lost a best friend.

''My heartfelt condolences are extended to George's family,'' Rev. Jesse Jackson said, adding, ''He was a tremendous talent in an industry where people come and go. He had staying power. Because of his commitment to quality product, film, video and music, he leaves a legacy of excellence and creativity for future generations to follow. His vision will not be lost on those who will work in his footsteps of inclusion.''

Jackson's journey ended on Feb. 10. Mourning his departure are Hogan, his beloved mother; Yuko, his wife; Kona Rose, his 16-month-old daughter; Dr. Sharon Jackson, his sister; Bobbie E. Stancil, his brother; and friends and fans all across the United States.

Contributions may be sent to the George Jackson Memorial Scholarship Fund c/o De

Salle Academy, 200 W. 97th St., New York 10025.

HONORING THOMAS R. CAFFREY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SAXTON. Mr. Speaker, today I rise to congratulate Mr. Thomas R. Caffrey of Tuckerton, NJ. Mr. Caffrey was a first prize winner in C–SPAN's American Presidents: Life Portraits Viewers' Contest. Mr. Caffrey's poem on President John Adams is worthy of high praise.

President Adams served as our second President from 1797 to 1801. President Adams, as one of our Nation's Founding Fathers helped shape a newly formed nation with his intellect and vigor. His personal correspondence with Thomas Jefferson have delighted scholars for years as they provide a personal glimpse of these two very important Presidents. Mr. Caffrey's poem encapsulates the life and times of President Adams.

I enter into the RECORD Mr. Caffrey's poem, ''Our Dearest Friend''.

''OUR DEAREST FRIEND''

(A POEM OF JOHN ADAMS)

(By Thomas R. Caffrey)

From Puritan seed a seminal birth to Ancient, he was for the ages.
A blend of the heavens and merciless Earth To a man needing many assuages
The genesis of this patriot as Founder will yet be revealed.
Portending rejection of British flat his fate about to be sealed.
So stubborn affixing himself to the law in defense of the British who fired.
Yes justice was blind and everyone saw that murder had not transpired.
While sufferings mixed with physical his angst was most profound.
So loving his country, he's practical; can America make it uncrowned?
A man in the midst of Freedom's vortex imploring the thirteen to one.
The lover of laws because they protect and make 'That Chair' a rising sun.
Declaring their freedom with principles inspiring Jefferson's pen.
The Wordsmith's text would soon convulse all parties, including them.
Though stunned by the Lion's thundering roar, some cowed by fear of this mother.
Undaunted courage he'd force to the show, a rally for most of the others.
Prevailing at Yorktown made him celebrate, Conquest! On his date of birth!
Yet sober he was knowing full well his station, the Treaty would reflect his worth.
In Europe he felt the growing unease of absence from 'Portia'.—his 'Friend'.
He often would stir for his quick release, when will this humility end?
The tenuous peace was forged with his mettle, in Paris the year '83.
The subsequent years would provoke much nettle. In Britain he yearned to be free.
Soon after he mixed into dear Quincy's soil, a call came for services, more.
For eight years his self-doubt would burden the toil. 'It's hopeless', he'd like to implore.
Before him the Giant of Mount Vernon, the deified A Priori.
In whose shadow he often fell striving for his own glory.
Leading was harder than Founding, it seemed. Not service but politics he loathed.
Betrayals were bad, from Jefferson worse, impossible when they were betrothed.
A premature move back home was his fate, no destiny to be a two-term.
Oft' ringing his hands and imploring his mate, his worth would she please affirm?
He passed many by on the farm at Peacefield, to dust they went, compost for life.
As his time drew near, posterity sealed, he relented, and thus joined his wife.
Today we think mainly of First and of Third, on Rushmore and our currency.
Remember Our Friend, a man of his word, whose heartsleeve was for you and me.

IN TRIBUTE TO ARTHUR E. GOULET

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to Arthur E. Goulet, who will be honored this week for 22½ years as director of the Ventura County Public Work Agency. Art will retire at the end of this month.

My district includes most of Ventura County, CA, and I have had the pleasure of working with Art on many projects throughout the years, both in my role in Congress and my prior service as mayor of Simi Valley.

Most recently, Art Goulet has been the lead staff member in the county's effort to determine if Matilija Dam near Ojai should be torn down. We also worked closely on the Santa Paula Creek Flood Control Project, which is nearing completion after two decades of perseverance.

He was instrumental in building the Freeman Diversion dam, which protected agriculture in the Oxnard Plain by pumping fresh water into underground aquifers and pushing the salt water back to the sea.

Art Goulet is Ventura County's longest-serving department head. His expertise and sense of history in the county will be sorely missed.

As Director of Public Works, Art Goulet oversees five departments with nearly 400 employees and a budget of close to $150 million. His agency is responsible for roads, county buildings, flood control projects, water resources, wastewater management, solid waste and surveying.

Art Goulet is considered an expert, and has testified as such, in public works administration, contracting and financing matters. He serves on too many state committees and task forces and is a member and officer of too many associations for me to list here, but suffice it to say he is well respected throughout the State of California. In 1995, he was awarded the County Engineers Association of California Ed-Hanna Memorial Award as the California County Engineer of the Year.

Art and his wife, Judy, have called Camarillo home for many years. They have two children and three grandchildren.

Mr. Speaker, I know my colleagues will join me in wishing Art and Judy a long, happy and healthy retirement.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

SPEECH OF

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. COOK. Mr. Speaker, I want to express my strong support for the conference agreement provisions in AIR 21 which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I believe these provisions fairly balance the interest of members from communities inside the perimeter and those of us from western states, who currently do not have convenient access to Reagan National.

While I would have preferred the complete elimination of the perimeter rule, the final agreement includes 12 slots, which is a small step in the right direction. Now the Department of Transportation must ensure that all parts of the West benefit. I am particularly concerned that small- and mid-sized communities in the West, especially in the northern tier, have improved access through hubs like Salt Lake City.

Improved access to Reagan National from hubs like Salt Lake City will improve service to our Nation's Capital for dozens of Western cities beyond the perimeter—consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

As this legislation has progressed, our goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provisions related to improved access to Reagan National is no different. Today, passengers from small- and medium-sized communities in the West are forced to double or even triple connect to fly to Reagan National. My goal is that passengers from all points west of the perimeter will have better options to reach Washington and Ronald Reagan Washington National Airport via connections at Western hubs like Salt Lake City. Large cities, which already have a variety of point-to-point service options, are not intended to be the only beneficiaries of this legislation. I trust the DOT will ensure that small and medium-sized cities like Salt Lake City are given the opportunity to receive some of these new slots as well.

IN APPRECIATION OF CARDINAL IGNATIUS KUNG

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. WOLF. Mr. Speaker, I rise today to honor the passing of Cardinal Ignatius Kung, who died on March 12 at the age of 98. Cardinal Kung was the Roman Catholic bishop of Shanghai, China, and he was proclaimed a Cardinal by Pope John Paul II on June 28, 1991.

Cardinal Kung was the first native born Chinese Bishop of Shanghai. Cardinal Kung was a genuine man of faith, possessing deep conviction and a vital moral character—attributes that enabled him to endure some 30 years in prison. He was a man who inspired millions of faithful in China and throughout the world.

After his arrest by the Chinese Communist Government in 1955, Cardinal Kung was forced onto a stage before thousands of people and was pushed forward to a microphone to publicly confess for his supposed ''crimes''. Dressed only in pajamas and with his arms tied behind his back, the Cardinal defied Beijing saying instead, ''Long live Christ the King; Long live the Pope!'' The Chinese police quickly dragged him away and Cardinal Kung was not heard of until he was brought to trial in 1960.

Throughout his leadership, Cardinal Kung refused to compromise or cooperate with the Communist Chinese Government. The night before his public trial, the Cardinal rebuffed the chief prosecutor's attempts to have him lead the government-backed Chinese Catholic Patriotic Association. The next day, Cardinal Kung was sentenced to life in prison.

The Cardinal spent the next 30 years behind bars, spending much of that time in isolation. He was not permitted to receive visitors, including his relatives, or receive letters or money to buy essential items—rights which other prisoners usually received.

After intense international pressure, in 1985 the Chinese Government released Cardinal Kung to serve another term of 10 years under house arrest. After 2½ years under house arrest, he was officially released.

He spent most of the rest of his life in the United States receiving medical treatment and in 1998, the Chinese Government confiscated the passport of this elderly man.

Cardinal Kung will be remembered as a hero to millions of faithful Chinese for his determination against the Chinese Government that refused to allow him and millions to freely worship.

Cardinal Kung stands out as one of the great religious figures in the 20th century—a standard-bearer and a vigilant witness for those who have been persecuted during the reign of the communists in China.

HONORING MIDLAND COGENERATION VENTURE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. CAMP. Mr. Speaker, I rise today to honor the Midland Cogeneration Venture, which is celebrating its 10th Anniversary.

Located in Midland, Michigan, the Midland Cogeneration Venture was established in 1987 and operates a natural gas-fired combined-cycle Cogeneration facility. For ten years, the facility has served the community and helped build a better Midland. The facility commenced commercial operation in 1990 with a capacity of about 1,370 megawatts of electricity and approximately 1.5 million pounds of processed steam per hour. The Midland Cogeneration Venture continues to sell electricity under long-term contracts for more than 1,300 megawatts of electrical capacity.

Electricity and energy generating permeate every part of our daily lives. The Midland Cogeneration Venture utilized natural gas to produce electricity and process steam and is the largest facility of its kind in the United States. It represents a unique partnership and is responsible for meeting the community's needs. Through this partnership, local companies have helped build a solid foundation which not only provides power to the community and jobs, but which also helps make Midland a better place to live.

Mr. Speaker, for ten years the city of Midland and the surrounding areas have benefitted from the Midland Cogeneration Venture. Moreover, under Mr. James Kevra's guidance, the facility has enjoyed tremendous success. I look forward to another successful decade in the years to come.

Mr. Speaker, I know you will join me in congratulating the Midland Cogeneration Venture and its employees on its successful operation over the last ten years.

25TH ANNIVERSARY OF GARY EDUCATIONAL DEVELOPMENT FOUNDATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Gary Educational Development Foundation on the occasion of its 25th anniversary. Founded in 1975, the Gary Education Development Foundation is committed to enhancing learning within the Gary Schools. Various external resources are utilized to help ensure that students of every level acquire the skills, knowledge, and vision needed for success in careers and as citizens.

Though the Gary Educational Development Foundation is celebrating its 25th anniversary of service, the seed for this revolutionary initiative was planted four decades ago with the idea of a fund to expand educational opportunities beyond those provided by tax dollars.

In December 1950, Gary College was dissolved. After the passage of a resolution offered by Dean Fertsch, the College Board of Directors donated its remaining fiscal assets to public school officials to be used by Gary students. The grant remained dormant until June 1956, when Acting Superintendent of Gary Public Schools Clarence Swingley assembled a group of high school principals to determine the disposition of the Gary College assets. The committee of principals divided the $11,153 of assets into a $10,000 scholarship endowment and left the remainder in an expendable account to be used for annual scholarship awards. The endowment fund was named the William A. Wirt Scholarship in memory of the first superintendent of Gary public schools.

The idea of the business community participating in the program evolved during the 1969–70 school years, when Frederick C. Ford was a member of the Gary School Board. The notion was warmly received by the business sector, and a steering committee was formed. It consisted of Superintendent Gordon McAndrew; board members Ford, YJean Chambers, Joe Torres and Montague Oliver; schools business manager Richard Bass; attorney Fred Eichorn and Assistant Superintendent Haron J. Battle. The committee established the Gary Educational Development Foundation as a not-for-profit corporation. In September 1970, Urban Ventures, Inc.—a non-profit corporation in Chicago with which Ford was involved—made the first donation of $28,000. The money was earmarked for the Foundation, but placed in escrow with the Gary Community Schools until the organization was fully established. In January 1977, the Gary School Board passed a resolution that recognized the Foundation as an operating entity, and pledged to it the support of the board and school system.

The school board then transferred several trust fund assets to the Foundation and encouraged gifts, bequests, legacies and other donations from varied sources. The trust funds included the assets for the Wirt and Urban Ventures scholarships. It also included two other ''identified'' funds: William Titzel contributions to assist primary teachers through workshops, and gifts toward a scholarship in memory of Catherine Hughes who served as supervisor of Foreign Languages for Gary schools. The foundation grew considerably from the modest nucleus of a $28,000 endowment, and exceeded $1.4 million in assets by 1990. The money continues to address the educational needs of Gary students—beyond those provided by tax dollars—and promises to benefit our community for generations to come.

Beyond the distinguished alliance with the education community, the Foundation has collaborated with other community organizations and programs that share the Foundation's commitment to the learning needs of Gary students. This year over sixty students in Gary will receive scholarships from the Foundation to help defray college costs.

The Gary Educational Development Foundation will hold an anniversary reception at the Genesis Center in Gary, Indiana on March 24, 2000, and a formal banquet will occur at St. Timothy's Church the following day.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending the Gary Educational Development Foundation on the occasion of its 25th anniversary. The hard work and dedication of everyone involved with this distinguished organization is truly inspirational.

CONGRATULATING MILLWRIGHT LOCAL #548's CENTENNIAL ANNIVERSARY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. VENTO. Mr. Speaker, I rise today to recognize the Centennial anniversary of the Millwright Local #548 in Saint Paul, Minnesota.

Unions have become a key element in the strong economy and culture of Minnesota, and the Millwright Local #548 is no exception. In fact, chartered on December 4, 1900, Local #548 is the oldest organization in the United Brotherhood of Carpenters & Joiners of America, and the oldest Millwright organization in the country. The Millwrights currently are 600 members strong, serving the needs of industry, improving the quality of life and maintaining high standards for their families in our area.

I applaud the dedication of this Millwrights union to their organization and advocacy of worker's rights. They have worked hard to ensure that their members have safe work places, receive fair benefits and earn livable wages. But beyond this, the Millwrights have promoted the idea of being responsible members of the community. They encourage members to reach out to others and to become active, informed citizens.

The Millwright apprenticeship programs combine both academic and hands-on experience. Over a period of years these trades people have become the most productive in their craft. It is just such performance that broadly results in good products and a strong economy. The Millwrights, for over 100 years, have been a part of the fabric of our great state. In fact, they have significantly contributed to the building of the culture and infrastructure of Minnesota.

It is my pleasure to take this opportunity to congratulate Local #548 on 100 years of service and advocacy, and I wish them the best in the next century. I am confident they'll keep their faith in one another and in their union solidarity.

ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORIC PARK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I am today introducing legislation to create the ''Rosie the Riveter/World War II Home Front National Historic Park'' in Richmond, California—a feature of our National Park system that will recognize and salute the role of the homefront during World War II and particularly the significant changes in the lives of women and minorities and the major social changes that resulted from this era.

The images of Rosie the Riveter and Wendy the Welder, and the films of giant Liberty and Victory ships sliding into the water are all familiar to millions of Americans. These features of home front life during the war, and the demographic changes and social institutions that evolved during the 1940s, significantly shaped the nature of post-war American life for the remainder of the 20th century. Richmond was ground zero for the dizzying home front innovations and stresses that marked the period, and is a perfect place to educate future generations of Americans about the experiences of our people during World War II.

The House passed my legislation in the last Congress (H.R. 3910, section 505) to authorize the National Park Service (NPS) to conduct a feasibility study to determine if Richmond was a suitable place for designation as an NPS affiliated site and whether to provide technical assistance to the City of Richmond for interpretive functions related to the park, including oral histories from former workers.

That report has now been completed and finds, as we had hoped, that Richmond ''played a significant role during the Home Front years.'' In fact, many of the dry docks, buildings and related infrastructure constructed and operated during the war remains in place, evoking even today a sense of the enormous commitment of the nation to industrial war production. In 1941–42, four shipyards were built in Richmond with a total employment eventually reaching 98,000. Overall, Richmond housed 56 war-related industries, more than any other city in the United States, producing everything from ships to uniforms and vegetable oil for the war effort. The four Kaiser Yards in Richmond were the largest shipyard construction site on the West Coast and produced 747 ships, more than any other facility in America, including the S.S. *Robert E. Peary* which was constructed in 4 days, 15 hours, and 30 minutes.

Tens of thousands of men, women and children poured into this city on San Francisco Bay and the population of Richmond grew from 24,000 to over 100,000 in just a few short years. These immigrants imposed enormous demands for housing, education, child care, health care and other vital services, and in response, local officials and employers developed innovative approaches for meeting these needs that serve as the precursors to many of our current educational, health and social service programs.

Large numbers of women and minorities sought jobs in the yards in positions formerly occupied by skilled craftsmen, creating both new employment opportunities and labor tensions. By 1944, over a quarter of all those working at the Kaiser yard were women, including over 40 percent of welders and 24 percent of all other craft employees. The racial composition of the area was significantly altered by the wartime economy, with the black population in Richmond rising from about 1 percent to over 13 percent during the decade of the 1940s. Southern whites encountered often for the first time black men and women who demanded equal treatment and equal rights.

The effort to preserve the remaining structures and to build a memorial to the Rosies and Wendys who labored on behalf of the war effort has very much been promoted by local leaders including Mayor Rosemary Corbin, Councilman Tom Butt, Donna Powers, Donna Graves, Sy Zell and many others. Significant local funds have been raised and the city has committed more than $600,000 for the memorial. I want to recognize the contributions already made by the City of Richmond, as well as Kaiser Pemanente, Ford Motor Corporation, Chevron, and others who are strongly committed to this project. My bill builds on these local efforts by providing assistance both for Richmond and to coordinate Home Front sites throughout the country, but we do not acquire property or assume the major responsibility for restoring or managing the exhibits.

Under this legislation, Richmond will not alone be selected to represent the Home Front during World War II/Instead, the major facilities still existing will be preserved and staffed to serve as a means of linking other sites including the Charlestown Navy Yard (Boston) and Springfield Armory National Historic site to assist help historians, interpreters, caretakers and the public to more fully appreciate the role this and other communities played in winning the war and in transforming the nature of post-war America.

We must act now to save the remaining buildings, drydocks, and other facilities that bring this picture to life for future generations of America. Many of these artifacts are aging, in need of restoration, and threatened by sale or deterioration which will obliterate their historical value. I am hopeful the Committee on Resources will act swiftly to review the Rosie the Riveter Feasibility Study that we commissioned by law in 1998 and then holding hearings on this legislation so that it can be enacted by the Congress this year.

PERSONAL EXPLANATION

HON. RUBEN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. HINOJOSA. Mr. Speaker, last Tuesday was the Democratic primary in Texas and because of that and other commitments I had made in my congressional district, I was not here in Washington the remainder of the week. This resulted in my missing several rollcall votes. Had I been present I would have voted as follows:

Rollcall No. 46, on a motion to suspend the rules and pass H.R. 3699, designating the Joel T. Broyhill Post Office Building—''yea'';

Rollcall No. 47, on a motion to suspend the rules and pass H.R. 3701, designating the Joseph L. Fisher Post Office Building—''yea'';

Rollcall No. 48, on agreeing to the conference report on H.R. 1000, Wendell H. Ford Aviation Investment and Reform Act for the 21st Century—''yea''

Rollcall No. 49, on passage of H.R. 3843, Small Business Authorization Act—''yea'';

Rollcall No. 50, on motion to instruct conferees on H.R. 1501, Juvenile Justice Act—''yea'';

Rollcall No. 51, on agreeing to H. Res. 441, providing for consideration of H.R. 2372, Private Property Rights Implementation Act of 2000—''yea'';

Rollcall No. 52, on agreeing to the Watt of North Carolina amendment to H.R. 2372, Private Property Rights Implementation Act of 2000—''aye'';

Rollcall No. 53, on agreeing to the Boehlert of New York substitute amendment to H.R. 2372, Private Property Rights Implementation Act of 2000—''no'';

Rollcall No. 54, on motion to recommit H.R. 2372, Private Property Rights Implementation Act of 2000—''no'';

Rollcall No. 55, on passage of H.R. 2372, Private Property Rights Implementation Act of 2000—''yea''.

INTRODUCTION OF H.R. 4053, THE UNITED STATES-SOUTHEASTERN EUROPE DEMOCRATIZATION AND BURDENSHARING ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GILMAN. Mr. Speaker, I am today introducing H.R. 4053, the United States-Southeastern Europe Democratization and Burdensharing Act of 2000, a measure that authorizes continued assistance for political and economic reforms in the states of Southeastern Europe for fiscal year 2001 under the Foreign Assistance Act and the Support for

East European Democracy Act of 1989 and that provides certain guidelines for such assistance and related assistance to that region.

While supporting continued United States assistance for the countries of Southeast Europe, this measure makes it clear that no United States bilateral assistance, other than that provided for democratization and humanitarian purposes, may be provided to the Republic of Serbia until the character of its government has changed. It does, however, ensure that aid may proceed to the region of Kosovo. It also authorizes a special program to assist the democratic opposition throughout Serbia and the Republic of Montenegro, providing for $42 million in fiscal year 2001 for that purpose alone. This measure also ensures that at least $55 million will be provided for economic and political reforms in the Republic of Montenegro in fiscal year 2001 in recognition of the increasingly positive efforts the Government of Montenegro has taken in support of democracy, peace, and stability in the Balkans region.

H.R. 4053 indeed provides some important limitations on United States assistance to Southeastern Europe. In addition to prohibiting bilateral assistance for economic reforms in the Republic of Serbia until the character of its government has changed for the better, it requires that assistance for democratization in Serbia not be channeled through the Serbian Government or through those individuals who do not subscribe to effective measures to ensure truly democratic government in Serbia. It also sets forth United States policy regarding the apprehension and trial of suspected war criminals, such as Slobodan Milosevic.

Mr. Speaker, this measure also takes an important step in recognizing that, while the United States has and will continue to provide considerable aid to the states of Southeastern Europe, the predominant burden in that region must be upheld by our friends and allies in Europe. The United States is facing increasing burdens in our efforts to fight drugs and terrorism in Colombia, to support the peace process in the Middle East, and to fight the proliferation of technology related to weapons of mass destruction. Our military forces are also stretched thin, with peacekeeping missions in the Balkans adding to that strain. This measure would therefore limit United States bilateral assistance to the countries and region of Southeastern Europe to a certain percentage—15 percent—of the total aid provided by the European Union under the Stability Pact for Southeastern Europe or under any other such multilateral aid program for that region. Such a cap, while ensuring that United States assistance will continue, will also ensure that the European Union and other donors take the lead in this region of Europe.

Mr. Speaker, I am pleased to be joined by several members of the International Relations Committee in introducing this important legislation, including Congressman CHRIS SMITH, Congressman BEREUTER, Congresswoman ROS-LEHTINEN, Congressman ROHRABACHER, Congressman GOODLING, Congressman HYDE, Congressman GILLMOR, Congressman MCHUGH, Congressman MANZULLO, Congressman RADANOVICH, and Congressman COOKSEY. Congressmen BILL YOUNG, DELAY, SPENCE, DOOLITTLE, SOUDER, MICA, and TRAFICANT are also sponsors of this measure, and I am hopeful that it will gain the support of other of our colleagues as well.

HONORING DR. VELMA BACKSTROM SAIRE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SHUSTER. Mr. Speaker, it is with great pride that I rise today to honor Dr. Velma Backstrom Saire for her distinguished career in education, and especially for her being named as this year's Distinguished Woman in Education by the University of Pittsburgh.

Dr. Saire will be concluding 45 years as a public educator when she retires this June from her position as Assistant Superintendent for the Quaker Valley School District in Sewickley, PA. Her professional career includes experience as a Restructuring Specialist for the Mon Valley Education Consortium and service in school districts in Pennsylvania, Ohio, Indiana, California, New Hampshire, and Connecticut as an elementary teacher and principal, special education teacher, director of the Allegheny County Schools Child Development Centers, central office administrator, middle school and high school principal, and part-time university instructor. She counts her experience as one of the developers of the Model School in McKeesport in the late 60's and early 70's, as the ''Camelot of her career.'' She has been a consultant and workshop leader at professional meetings throughout the nation on a number of topics related to curriculum and supervision. Since Carnegie Mellon University's John Heinz School of Policy and Management's Educational Leadership program's inception 10 years ago, she has been an adjunct professor where she helps prepare future school administrators. She notes that she will continue to do this after her retirement.

Both high schools she led were designated as Blue Ribbon Schools by the U.S. Department of Education, recognizing them as exemplary schools along with the other 100 top schools selected each year. She has served as a site visitor for this program and as a reader for the U.S. Department of Education's National Dissemination Network. In 1992, she received the Educational Leadership Award from the University of Pittsburgh's Tri-State Study Council. In 1989, the Connecticut Association of Supervision and Curriculum Development designated her as one of three finalists for their Educational Leader of the Year Award. As a Connecticut high school principal, she was one of 25 public school educators selected for membership in the prestigious 100-member Headmasters Association, a group in which she continues to hold membership as an honorary member.

A graduate of Glassport Jr.-Sr. High School, she is cum laude graduate of the University of Pittsburgh where she received a B.S. in Elementary Education, her M.Ed. in School Administration in 1967, and her Ed.D. in Administration in 1973.

She serves her local church as Chairman of the Council on Ministries, Chairman of the Memorial Endowment Fund, and is a member of the Administrative Board. She is on the Sewickley Public Library's Board of Trustees.

On a personal note, it is a special pleasure for me to recognize this distinguished woman in education because many years ago she was the little girl whom I escorted to a junior high school dance.

UNITED STATES ARMY CORPS OF ENGINEERS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. CRAMER. Mr. Speaker, I have worked with the United States Army Corps of Engineers for my entire service in Congress. I have always found the integrity of the Corps beyond question. I have great confidence in the Corps, including an outstanding group of people who work in the Huntsville, Alabama, Division office of the Corps.

Serious charges have been laid on the military leadership of the Corps by some in the press recently. These claims about the soundness of the Upper Mississippi and Illinois River Navigation Study must be fully evaluated and whatever steps these evaluations indicate to be appropriate must be taken. Until that time, however, I find it unacceptable and unfair to our armed forces to challenge the professional appointees who have given their entire professional career to serve this country. All of these officers have come highly recommended by their peers. Many of us have worked with them earlier in our careers.

The Upper Mississippi and Illinois River Navigation Study has not been completed and is yet to be distributed for state and agency review. To criticize the unknown outcome of the study before the public review has even started may inhibit reasoned development of final recommendations for water improvement by the Secretary of the Army and unfairly color Congress' deliberations on those recommendations. There are certainly many potential alternatives and points of view that have to be considered; there is not just one. There are many uncertainties and unknowns that we will encounter as we plan and prepare for the future, but there is one certainty: the importance to the national welfare of navigation as an essential element of a sound transportation infrastructure.

Through the Corps Civil Works program, the Federal Government has created the world's most advanced water resources infrastructure contributing to our unprecedented standard of living. The program is essentially a capital investment and management program that returns significant economic, environmental, and other benefits to the nation. Though relatively small in the context of total Federal expenditures, investments in, and sound management of the Corps water resources projects have beneficial effects that touch almost every facet of modern American society—navigation projects that provide the Nation with its lowest-cost mode of transportation for bulk commodities; flood control projects that protect the lives, homes and businesses of thousands of Americans; and recreation facilities that enable millions of visitors to relax and enjoy the beauty of our country's waters.

I say that these kinds of decisions are extremely complex and controversial and are best left to the American people, acting through the Congress, to make. The stakes are so high and the potential impacts so great because national security, national competitiveness in the global market place, national health and welfare, and economic well-being of the Midwest grain producers, just to mention a few considerations are at stake. And I,

as a member of this body, stand ready to review all of the alternatives and to make the difficult decisions that are necessary to serve our great nation and the needs of my constituents.

There are many outstanding public servants, military and civilian, involved in this and other Corps studies. I support the Corps' process and urge my colleagues to join me in expressing confidence that the Corps, working together with all of the interest groups, as it has so often in the past for great national benefit, will produce recommendations from the Upper Mississippi and Illinois Navigation Study that will stand the test of time.

TRIBUTE TO BOBB MCKITTRICK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LANTOS. Mr. Speaker, I would like to invite my colleagues to join me in paying tribute to the memory of Bobb McKittrick of San Mateo, California. Mr. McKittrick, the longtime offensive line coach of the San Francisco 49ers, passed away last Wednesday after a lengthy battle against bile duct cancer. He leaves behind a loving family and a reputation as one of the premiere leaders and motivators in the National Football League. His legacy includes the affection of the hundreds of athletes whose lives he touched with his passion, determination, and commitment to excellence as well as to tens of thousands of devoted fans, for whom he was an example of dedication and public spiritedness.

Mr. Speaker, I ask that an article by Michael Silver from the April 26, 1999, issue of Sports Illustrated about the courage, inspiration, and example of Bobb McKittrick be placed in the RECORD. It chronicles his extraordinary coaching record with the 49ers, his positive influence on the careers and lives of his players and friends, and his characteristically tenacious fight against cancer. Mr. Speaker, the story of Bobb McKittrick is an inspiring one.

ONE TOUGH CUSTOMER: OUTSPOKEN NINERS ASSISTANT BOBB MCKITTRICK IS BATTLING CANCER AND LIVER DISEASE WITH THE SAME FIERCE DETERMINATION THAT MADE HIM ONE OF THE BEST COACHES IN THE GAME

They were embattled behemoths in big trouble, and they felt like the smallest men on earth. Late in the third quarter of a game against the Eagles on a chilly September afternoon in Philadelphia 10 years ago, Harris Barton and his fellow San Francisco 49ers offensive linemen trudged off the field with their heads down and their ears pricked. Joe Montana, the Niners' fine china, had been sacked eight times. The Eagles led by 11 points, and censure was a certainty: Coach George Seifert's face was convulsing like Mick Jagger's, offensive coordinator Mike Holmgren was growling into his headset, and offensive line coach Bobb McKittrick was preparing to vent his frustrations. As the linemen took a seat on the bench, McKittrick stared down at veterans Guy McIntyre, Bubba Paris and Jesse Sapolu and said calmly, ''You three might want to start praying about now.'' Then he turned to Barton. ''And Harris,'' McKittrick added, ''if you know a Jewish prayer, you might want to say it.''

Without swearing, getting personal or raising his voice, McKittrick, a former Marine who makes Chris Rock seem vague and indirect, had delivered a sharp motivational message. The linemen buckled down, Montana threw four touchdown passes in the fourth quarter, and San Francisco won by 10. The next day McKittrick called Montana into an offensive line meeting and apologized for the breakdown in protection. Montana shrugged it off, but word got around, giving players another reason to respect a man who may be the most successful position coach of his era.

In a business in which coaches get relocated, recycled and removed as a matter of course, McKittrick, 63, has been the Niners' offensive line coach for 20 seasons. During that time San Francisco has won five Super Bowls and put together the most successful two-decade run in NFL history, and the fact that McKittrick has been entrenched in the same job throughout that span, under three head coaches, is not accidental. In addition to routinely milking exceptional production out of players overlooked or cast off by other teams, McKittrick has been the glue that has held together the Niners' vaunted West Coast attack. Bill Walsh, recently rehired as San Francisco's general manager, says McKittrick ''has developed more offensive line knowledge than anyone, ever. The continuity of the line, its consistent ability to protect the quarterback and open running lanes, has been the cornerstone of the 49ers' success over the past 20 years, and without Bobb, I don't think it happens. His men have played longer, with better technique, more production, fewer injuries. In every possible category you can measure, he's right at the top.''

The Niners are so queasy about the notion of ever working without McKittrick that they told him he'd have a job for life when he was mulling an offer to become the St. Louis Rams' offensive coordinator after the 1994 season. He recently signed a two-year deal, and in the weeks leading up to the draft, he was busy breaking down film on top line prospects—an endeavor that in most years is about as fruitful for McKittrick as Academy Award voters viewing Brian Bosworth movies. The San Francisco brass concentrates on drafting talent at other positions and relies on McKittrick to excel with lesser-regarded linemen. Few coaches have done so much with so little, but no one is taking McKittrick for granted anymore.

In January, four days after the 49ers were eliminated from the NFC playoffs by the Atlanta Falcons, McKittrick received a medical double whammy: Doctors told him that he had cancer and that he needed a liver transplant. McKittrick, whose colon was removed 17 years ago after precancerous cells were detected, has a malignancy on his bile duct. He has begun undergoing radiation and chemotherapy at Stanford Hospital in Palo Alto. He needs a liver transplant because he is suffering from cholangiocarcinoma. He is on a waiting list for a new liver.

While his relatives, friends and colleagues are worried sick, McKittrick, predictably, has been calm, even upbeat. Though down 20 pounds from his normal 200, he insists on keeping the bulk of his coaching responsibilities, faithfully reporting to work with the catheter used to administer chemotherapy treatments sticking out of his left arm. ''It's a difficult situation,'' he says, ''but I went through six weeks of boot camp, and it can't be any worse than that. I think I can go through anything—and it sure beats the alternative.''

On a mild Monday afternoon in late March, McKittrick walks into the three-bedroom house in San Mateo where he and his wife, Teckla, have lived since 1979. ''You've got this place freezing,'' he tells her before leaving the room to turn up the heat. ''He's cold,'' Teckla says to a visitor. ''Now can you tell something's wrong?''

Raised in Baker, a northeast Oregon farm town where the winters are frigid, McKittrick developed a stubborn resistance to cold at an early age. He unfailingly wears shorts and a T-shirt to even the most bone-chilling practice sessions, and when the 49ers travel to colder climes, McKittrick packs lightly. During a Monday-night game played in freezing rain at Chicago's Soldier Field in October 1988, McKittrick wore a short-sleeve shirt but no jacket. At one point his teeth were chattering so much that he was unable to enunciate a running play to Walsh, who subsequently decreed that all coaches must cover their arms during harsh weather. When the Niners returned to Chicago the following January for the NFC Championship Game, McKittrick complied with the new policy by donning a windbreaker—on a day in which the windchill factor reached −47[degrees]. At such moments McKittrick, with his shaved head and stocky frame, seems to be as much caricature as character. ''Everybody notices the physical part, but when it comes to emotional strength, he's probably the toughest person I know,'' says Seifert, who now coaches the Carolina Panthers. ''He has an ability to deal with things that would shatter most people.''

After having his colon removed, McKittrick wore a colostomy bag for a year before a second operation allowed him to discard it. ''He had this device strapped to his hip,'' Seifert says, ''and I'll never forget the sight of him running onto the practice field holding that bag so it wouldn't fall. How devastating and emotionally trying that must have been. Had it been me, I don't know that I could have coached again.''

McKittrick's toughness is rivaled only by his bluntness. ''He's brutally honest with me, too,'' says Teckla, who married Bobb in 1958. ''It's one thing when he tells me my hair looks funny, but I'm constantly worried he's going to get fired [for speaking his mind].'' Barton says he and other linemen used to write down some of McKittrick's more eye-opening statements. ''One of the classics was when we drafted this 6′7″ guy named Larry Clarkson [in '88],'' Barton says. ''Every day in training camp [defensive end] Charles Haley would run around him, then so would the second-teamer, and Larry would end up on the ground. Finally we're in a meeting one night, and Bobb says, 'Jeez, Larry, I don't think you have the coordination to take the fork from the plate to your mouth.'''

As harsh as he sometimes sounds, McKittrick gets away with it, partly because he can take criticism as unemotionally as he dishes it out. He regularly challenges his bosses in meetings, but, says Seifert, ''after a while, that becomes part of the charm of the man.'' McKittrick says one reason he has not sought jobs with bigger titles is the political correctness he associates with such roles. ''I'd rather teach than be an administrator,'' he says. ''I don't like a lot of the things that administrators have to do.''

While some head coaches might view vocal dissent as a threat, at least one of McKittrick's friends—a man who had some pretty decent success as UCLA's basketball coach from 1949 to '75—believes it's invaluable. ''An assistant coach who's afraid to speak his mind isn't very helpful,'' says John Wooden, who grew close to McKittrick during the latter's stint as a Bruins football assistant from 1965 to '70. ''A head coach should never want a yes-man: He'll just inflate your ego, and your ego's probably big enough as it is. An assistant as bright as Bobb could only be an asset.''

Honest as he is, McKittrick could not bring himself to tell Teckla about his cancer. He

found out shortly before they embarked upon a nine-day trip to visit their two sons, in Oregon and California and, not wanting to spoil the vacation, stayed mum.

For all of Bobb's sensible stoicism, Teckla is his polar opposite, an emotional worrywart who sheds tears as readily as some people clear their throats. They met as Oregon State undergrads at a study table, conversing for 20 minutes in a group setting. ''The next day,'' Teckla says, ''he told someone he had met the woman he was going to marry.'' Together they've had more of a life together than most coaching couples, sharing a passion for history that has inspired vacations to places like Normandy and Russia as well as cruises on the Danube and the Baltic Sea.

In late January, McKittrick returned from his vacation and went back to work, figuring he'd break the news to Teckla that evening. Before he could, however, he received a frantic call from her: An oncologist's assistant had phoned the McKittrick house to confirm an appointment. ''My wife was in tears for the next two weeks,'' Bobb says. ''She hears cancer and immediately thinks, You're going to die. That's not the way I'm approaching it.''

McKittrick's approach to life has never been orthodox. In seventh grade he added a third b to his first name because, he says, ''I just wanted to be different.'' A high school valedictorian who was also a decorated student at Oregon State, McKittrick was persuaded by Tommy Prothro, his coach when he walked on as an offensive lineman for the Beavers, to return to his alma mater as an assistant after his three years of service in the Marines. McKittrick followed Prothro to UCLA, the Los Angeles Rams and then to the San Diego Chargers, where he and fellow assistant Walsh became friends. When Walsh was hired as 49ers coach in 1979, he asked McKittrick to come along.

McKittrick compares Walsh's recent return to the 49ers, who had been reeling from front-office turmoil, to Churchill's reign as Britain's prime minister during World War II. ''He had been out of favor,'' McKittrick says, ''but when the Nazis were threatening to overrun Europe, they turned to him for his dynamic leadership, and he held them together.''

McKittrick is not only a voracious reader of nonfiction but also a genealogy freak who serves as an unofficial historian for his hometown. He also keeps a meticulous journal designed to ''give my [two] grandkids an idea of what my life was like.'' According to his good friend, Loring De Martini, McKittrick's life is easy to describe: ''Bobb is almost a saint. He's a guy who has never willfully done a wrong thing.''

Not everyone would nominate him for sainthood. Drawing on some of the blocking methods he learned from Prothro, McKittrick recruited relatively small, agile linemen and taught them techniques—the cut block, the reverse-shoulder block, the chop—most of which were legal, at least when executed perfectly, but which infuriated opponents. After a 1985 game, Los Angeles Raiders defensive lineman Howie Long charged after McKittrick in a tunnel at the L.A. Coliseum and vented; the two haven't spoken since. In his book Dark Side of the Game, former Falcons defensive lineman Tim Green referred to McKittrick as Dr. Mean. McKittrick notes that in recent years, at least a third of the teams in the NFL have adopted his controversial techniques. ''Those big, tough guys on defense want to play our strength against their strength,'' he says. ''I'd rather play our strength against their weakness.''

McKittrick's supporters far outnumber his detractors. Holmgren, 49ers coach Steve Mariucci and Denver Broncos coach Mike Shanahan credit him with helping them assimilate Walsh's concepts, and Raiders coach Jon Gruden, who began his NFL career breaking down film for McKittrick in 1990, refers to McKittrick as ''my idol, the best coach I've ever been around.'' Shanahan says McKittrick, with whom he worked for three seasons as a San Francisco assistant, ''has forgotten more football than I know, but what really stands out is his incredible work ethic. He leaves no stone unturned, and that's why everybody considers him the best in the business.''

Alas, McKittrick's prowess as a coach is not at the forefront of his friends' minds. Call someone looking for a quote, and instead of answers you get questions: How's Bobb? Is he going to get his liver? The answers are unclear, but things could be better. The chemotherapy has sapped McKittrick, and last weekend he was hospitalized with a 104[degree] temperature. He has another worry. In mid-March, Teckla was rushed to Stanford's emergency room with what doctors feared was a heart attack. It turned out to be a problem with her gallbladder, which is scheduled to be removed in early May. The doctors would like Bobb to finish fighting the cancer before replacing his liver, but he's one of many on a waiting list, and the timing is largely out of their control.

Recently McKittrick was at Stanford shuttling between appointments when a team of physicians tracked him down. They ushered him and Teckla into a room and informed them that a liver had become available. The chief transplant surgeon, Carlos Esquivel, then explained the various risks, including the possibility that Bobb could die on the operating table. The doctors said they needed a decision within two hours. Teckla broke into tears. Bobb stroked her hand, calmly questioned the doctors and finally said, ''Let's do it.''

He was told to return to the hospital later that afternoon for surgery. Teckla worried that he had rushed his decision, but Bobb said, ''I made a life-altering decision 40 years ago in 20 minutes, and I haven't regretted it.'' He was sitting in the living room of his house when the phone rang. A nurse told him the doctors had found the liver to be unsuitable. When he repeated the news, Teckla's knees buckled and she fainted. Bobb took the news in stride.

''He has incredibly tough skin,'' Barton says of his coach. ''It's a crisis situation, but he won't show a weakness.''

Barton lets his thought hang for a moment; it occurs that he might want to say a Jewish prayer right about now. ''Believe me,'' Barton says, ''I will.'' He won't be alone.

''When it comes to emotional strength, he's probably the toughest person I know,'' Seifert says of his former assistant.

''Teckla was in tears for two weeks,'' says Bobb. ''She hears cancer and immediately thinks, You're going to die. That's not the way I'm approaching it.''

McKittrick ''has forgotten more football than I know,'' Shanahan says, ''but what really stands out is his incredible work ethic.''

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Ms. ESHOO. Mr. Speaker, on March 21, 2000, I was unable to be in Washington and, consequently, missed two votes.

Had I been present. I would have voted ''aye'' on rollcall No. 56 and rollcall No. 57.

HONORING THE 12TH ANNUAL FRIENDS FOR LIFE BANQUET FOR THE CRISIS PREGNANCY CENTER IN ROME, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize the Crisis Pregnancy Center in Rome, Georgia. On March 23, 2000, at the Friends for Life Banquet, the Crisis Pregnancy Center in Rome, Georgia will be honored for the work it does in the community to save the lives of unborn children.

Currently, in Washington, DC, we are working in the Judiciary Committee, as well as on the House Floor, to ban the heinous practice of partial-birth abortion and take other steps to protect the unborn. However, what we do in the Congress, even if we had a President who shared our regard for the unborn, can only address the symptoms of a societal problem that results in so many abortions each year. The real, long term solutions have to come from our communities. The Crisis Pregnancy Center in Rome, Georgia fills this vital role in aiding and assisting pregnant women so that neither the mother nor the child fall victim to abortion.

The Center has a direct and positive impact on many constituents here in Georgia's 7th district as well as citizens throughout North Georgia, and I would like today to pause and commend Rome's Crisis Pregnancy Center for all the hard work and dedication it provides to so many women and families in time of need, day in and day out. They truly are doing our Lord's work.

TWENTY-FIVE YEARS OF ''A PRAIRIE HOME COMPANION''

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. PETERSON of Minnesota. Mr. Speaker, A Prairie Home Companion is more than just a good radio program. It's a good radio program that has been around for twenty-five years. When it debuted on July 6, 1974, before a live audience of twelve at Macalester College in St. Paul, Minnesota, no one would have suspected that twenty-five years later it would delight a national weekly radio audience of 2.8 million listeners, and many thousands of international fans across the globe from Edinborough to Tokyo.

Over the past quarter century, A Prairie Home Companion has broadcast over 2,600 hours of programming, and has toured to forty-four of the fifty states. Close to one million people have attended live broadcasts. It's now heard on more than 470 public radio stations from coast to coast. The program, with origins in the American Midwest, has made a successful leap overseas. In 1985, Minnesota Public Radio started sending reel-to-reel tapes of the shows to Australia and Sweden. In

1990, digital audiotapes were sent to Taiwan. Since 1996, the show goes directly by satellite for broadcast worldwide. Now, it can be heard in dozens of European cities including Amsterdam, Berlin, Brussels, Bonn, Vienna, Geneva and London. In twenty-five years, A Prairie Home Companion has become a true national treasure with international appeal.

The origin of the name, A Prairie Home Companion, is the Prairie Home Cemetery in Moorhead, Minnesota, near Concordia College, all of which are located in my home district back in Northwestern Minnesota. Mr. Garrison Keillor, a fellow Minnesotan and the program's host, inventor, chief writer, and heart and soul, has stated, ''You can't name a show Prairie Home Cemetery, so I substituted Companion for Cemetery.'' His legions of fans are glad he did.

Every week the two-hour live variety show is packed with musical guests, comedy sketches and Mr. Keillor's commentary about small-town life in his fictional hamlet of Lake Wobegone. Many people in this country and around the world identify Minnesota with the image of Lake Wobegone, a town ''where all the women are strong, the men are good-looking, and all the children are above average.'' Though there are other ways to pass the time Saturday evenings, fans of A Prairie Home Companion often plan their weekends around the show. Nutritionist Leslie Cordella-Simon has said, ''It's a little respite at the end of the week.'' Here in Washington, Ruth Harkin, the wife of Iowa Senator TOM HARKIN, has commented that they rarely miss the program. She echoes the sentiments of many when she says, ''Lake Wobegone is the town we both grew up in.'' NBC news anchor Tom Brokaw denies the rumor that he will not admit dinner guests to his house during the Lake Wobegone segment of the show. ''I just don't pay much attention to them,'' he explains.

The first road trip of A Prairie Home Companion was to Fargo, North Dakota, and to Moorhead, Minnesota, in October 1974. Now, they routinely travel farther down the road to places like Edinborough, Scotland, and Dublin, Ireland. In the last twenty-five years, the show's truck has traveled over 230,000 miles, and personnel have flown or driven over 385,000 miles. The traveling shows are so popular that a sponsoring station manager in Peoria, Illinois, made the following remark after A Prairie Home Companion visited his town: ''I could've run for mayor and gotten elected.'' In 1985, Time magazine discovered A Prairie Home Companion and put Mr. Keillor on its cover. Over a span of twenty-five years there have been 941 live performances and 864 live broadcasts of A Prairie Home Companion. From February to June in 1987, A Prairie Home Companion made the jump to television, running in an un-edited time-delayed version on the Disney Channel. Since October 5, 1996, the show's audio has been delivered live over the Internet to anyone with a computer and a modem.

A Prairie Home Companion and Mr. Keillor have already received a silo-full of well-deserved national recognition, including a Grammy Award, two ACE Awards for cable television, and a George Foster Peabody Award. In 1994, Mr. Keillor was inducted into the Radio Hall of Fame at Chicago's Museum of Broadcast Communication. In 1999, he was awarded the National Humanities Medal by President Clinton at the White House. Mr. William R. Ferris, Chairman of the National Endowment for the Humanities, said, ''The 1999 National Humanities Medalists are distinguished individuals who have set the highest standards for American cultural achievement.''

Mr. Keillor likes to describe Lake Wobegone as a place ''that time forgot and the decades cannot improve.'' The same could be said about his radio show. Mr. Speaker, I congratulate Minnesota Public Radio, the staff of A Prairie Home Companion, and Garrison Keillor on the occasion of the notable achievement of twenty-five years of proud representation of the art, culture and people of Minnesota.

HONORING THE LATE WILLIAM W. ''BILL'' GEARY, AMERICAN HERO

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. MOAKLEY. Mr. Speaker, today I pay tribute to genuine American hero, William W. ''Bill'' Geary, who died on November 15, 1999. Bill was a veteran of World War II. He saw action in eight major campaigns throughout Europe during the war. Bill was a true to friend to many people as well as a devoted husband to his loving wife ''Bea''.

Even though Bill witnessed atrocities and violence, he was a man of peace and he refused to accept that he was a hero among men. Fortunately, Bill's brother Joe Geary, U.S. Navy (Ret.) provided me a detailed history of Bill's service to his country. I am pleased to have this history inserted in the CONGRESSIONAL RECORD for all American's to see:

WILLIAM W. GEARY, BORN FEBRUARY 8, 1921—DIED NOVEMBER 15, 1999

William W. ''Bill'' Geary enlisted in the U.S. Army on October 15, 1941. After extensive training he was assigned to the 456th Battalion of the 505th Parachute Infantry Regiment of the 82nd Airborne division.

SICILY—OPERATION HUSKY

On the evening of July 9, 1943, Bill Geary, along with 3,400 other paratroopers, were enroute to Sicily. Somewhere east of Gela shortly before midnight, Bill Geary jumped and landed close to a German outpost. Advancing toward the German position he saw another paratrooper who had landed in the barbed wire. The Germans poured gasoline on him and set him on fire. Bill was shooting at the Germans and the trooper on fire was screaming. There was no way that Bill Geary could rescue the other trooper.

The next day Bill Geary was wounded by shrapnel. His wound was treated with sulfa and bandaged and he immediately returned to his platoon and resumed fighting off German counterattacks.

By 23 July, after two weeks of heavy fighting, the 82nd Airborne Division had completed its mission. The Germans had taken a severe beating from the 82nd Airborne Division.

ITALY—SALERNO—OPERATION AVALANCHE

On September 9, 1943, elements of the Fifth U.S. Army made an amphibious landing at Salerno Bay. Two German Divisions moved south to attack and exploited a gap between U.S. and British forces.

On September 13, an urgent message was sent to the 82nd on Sicily for immediate help. The next night the 505th Parachute Infantry Regiment jumped into the beachhead. Bill Geary was in his second major battle against the Germans. They saved General Clark's Fifth U.S. Army from defeat. The 82nd then pushed the Germans north to the Volturno River.

ITALY—ANZIO—OPERATION SHINGLE

An amphibious landing was carried out on January 22, 1944, at Anzio, north of the German lines. The Germans rushed in reinforcements and another stalemate developed. In late February 1944, elements of the 82nd Airborne Division, with Bill Geary taking part, were transported to the Anzio beachhead as reinforcements. They were involved in continuous heavy fighting against the Germans until mid-April 1944, when they were withdrawn to England.

NORMANDY, FRANCE—OPERATION OVERLOAD

On the evening of June 5, 1944, Bill Geary, loaded down with arms and ammunition, was boosted up into a C–47, along with 23 other paratroopers of the 505th Parachute Infantry Regiment. The initial objective of the 505th was the capture of the town and roads around Sainte-Mere-Eglise. Bill Geary jumped out of the C–47 into the black of night. There were tracer bullets flying up from many directions. He landed and immediately detached his ''chute'' and joined up with other troopers.

Some of the 505th paratroopers landed within the town of Sainte-Mere-Eglise. Most of them were killed while floating down in their parachutes. Others, that had their ''chute'' hung up in trees, were killed while struggling to get loose. This was not to be forgotten by the troopers of the 505th.

Bill Geary, along with others, fought their way in the dark to the outskirts of the town. They fought their way into the town and by daylight June 6, 1944, the town was in the hands of the 505th.

The 82nd then pushed south and west to block off the Contentin Peninsula. Fighting through the hedge rows of Normandy for four weeks, against stiff German resistance, capturing the high ground overlooking the town of Haye-du-Puits. There it remained in a defensive posture until it was relieved on July 11, 1944.

The 82nd Airborne Division suffered 47 percent casualties during 33 days of continuous fierce fighting without relief or replacements.

HOLLAND—OPERATION MARKET-GARDEN

The British 1st Airborne was to jump and seize the bridge over the Rhine River at Arnhem, some 64 miles into Holland. Several other bridges would be seized by the 82nd around the city of Nijmegen to the south of Arnhem. The 101st Division was to jump and capture bridges 25 miles north of the Allies front lines.

Sunday, September 17, 1944, Bill Geary, along with 23 other paratroopers in his group, was heavily burdened with all the ammunition and grenades he could possibly carry. The troopers of the 505th shouted to each other ''Remember Sainte-Mere-Eglise,'' referring to the murder of 505th troopers by the Germans.

As the C–47s crossed the coastline of Holland anti-aircraft fire became intense, 118 of the transports were damaged and 10 were shot down. The C–47 carrying Bill Geary reached its drop point, the high ground near Groesbeek. The green jump light came on and the 24 paratroopers exited in quick succession, as fast as they could. They were receiving small arms fire from German troops in the woods as they descended. Unbuckling their chutes and laying prone on the ground, they returned fire.

Fighting continued through the day and into the night. The 505th was spread thin on their front, a line of about 6–7 miles. By then

end of the day all but one of the bridges had been taken.

The next day 450 C–47s, towing 450 gliders heavily laden with glider troops and equipment, started landing. The 505th had been battling the Germans all that day to clear the landing area of German troops. The landing area was within one-quarter mile of the border of Germany. On Tuesday, September 19, the Nijmegen bridge was seized. The 82nd troops held off numerically superior German troops for the next two weeks.

Allied forces suffered more casualties (17,000) in Market-Garden than they did in the invasion of Normandy. The 82nd Airborne Division's casualties were heavy. More than a thousand troops were buried in a cow pasture between Molenhoek and the Maas-Waal Canal.

In mid October the 82nd moved into some old French Army barracks about 80 miles from Paris. Numerous replacement paratroopers were received to fill huge voids in the ranks.

BATTLE OF THE BULGE

On December 16, 1944, the Germans launched a massive attack through the Ardennes against a green U.S. infantry division with no previous combat. The only U.S. Army reserve divisions were the 82nd and the 101st Airborne Divisions. General Gavin soon ordered both the 82nd and the 101st Divisions to move out to the battle area.

The 82nd, was the first to move out. They passed north through Bastagone and took up a blocking position west of St. Vith, spreading out along a 25 mile front. Some hours later the 101st moved out with orders to hold the vital crossroads and the town of Bastagone.

The weather was severe, extremely cold and heavy snowfall had started. The 82nd was scattered over 100 square miles of terrain. On the 19th of December the 505th paratroopers, including Bill Geary, were occupying the best defensive positions along their six mile front. Fierce fighting against two German Divisions soon began and continued for a week. By December 27, the first phase of the Battle of the Bulge was over. The German advance had been stopped.

The First U.S. Army, of which the 82nd was the spearhead, launched a counter attack on January 3, 1945. In the first day of fighting the 82nd completely overran the German 62nd Volksgrenadier Division and the 9th S.S. Panzer Division, inflicting severe casualties on the enemy, capturing 2,400 prisoners. A German reserve column of trucks and troops moving up to support the decimated German divisions advanced straight into the 82nd's lines and was totally destroyed. On January 8, the 82nd advanced to the Salm River in heavy fighting. The Battle of the Bulge was over.

THE ARDENNES

On January 28, 1945, the 82nd and 1st Infantry Division would lead the Allied assault through the Seigfried Line. Heavy fighting ensued as the 82nd, with Bill Geary, fought it's way into Germany through the Ardennes Forest. At 4:00 a.m. on February 2, the division mounted an aggressive attack. It penetrated through two miles of the Seigfried Line in fierce fighting. The German troops were retreating in the face of a tremendous onslaught.

Three days later the 82nd was en-route to the Huertgen Forrest. The paratroopers of the 505th pressed on pushing the Germans back through the towns of Lammersdorf and Schmidt in two days of fierce fighting, moving closer to the Roer River which would be their next objective. Fighting continued all the way to the Roer River. On February 17, 1945, the 82nd was pulled out of the front lines.

RHINELAND

In late March, the 82nd fought its way to the Rhine River on a 20 mile front north and south of the city of Cologne, Germany. On April 29, 1945, the 82nd moved out of its positions and north more than 200 miles to a crossing site on the Elbe River. The 505th reached the site by dark. At 1:00 a.m. on April 30, the 505th made a crossing and caught the Germans completely by surprise. Bill Geary was now across the Elbe River and once again fighting Germans. The 505th advanced all day on May 1, as the Germans retreated.

When news of the 82nd's crossing reached General Omar Bradley's 12th Army Group headquarters, there was much delight and laughter. British General Montgomery had been complaining that the German opposition was far too great for him to cross the Elbe River.

On May 2–3 1945, the advance of the 82nd continued and a complete German Army Group of 250,000 men, with all their weapons of war, surrendered to the 82nd Airborne Division.

THE WAR IN EUROPE HAD COME TO AN END

For the 82nd Airborne Division the war in Europe had been costly. More than 60,000 men had passed through the ranks of the division. They left thousands of white crosses on foreign soil.

On November 15, 1999, Bill Geary lost a two year battle. It was a battle against Amyotrophic Lateral Sclerosis (ALS), commonly known as Lou Gehrig's Disease.

CONGRESSIONAL RESEARCH SERVICE'S MEMOS SHOW S. 1895 MEDICARE BOARD IS A RECIPE FOR DISASTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. STARK. Mr. Speaker, S. 1895, the Breaux-Frist Premium Support proposal to change Medicare is a recipe for administrative disaster.

Don't take my word for it. Following are quotes from two Library of Congress Congressional Research Service memos describing the many problems with S. 1895.

Just ask yourself, in the history of the world, has the administration of a large program (and Medicare is spending about $220 billion a year) ever been successfully accomplished by a committee of seven?

As the ultimate Founding Father, George Washington said,

. . . wherever and whenever one person is found adequate to the discharge of a duty by close application thereto, it is worse executed by two persons, and scarcely done at all if three or more are employed therein.

The full CRS papers are available from my office at 239 Cannon HOB, Washington, DC 20515 (202–225–5065).

Following are other quotes from the studies.

Describing how Medicare would be largely independent of the Secretary of HHS and the Administrator of HCFA, the CRS writes:

NEW, UNTESTED IDEAS

This organizational and administrative design is somewhat unusual when considered in light of traditional guidelines regarding the effective administration of government programs. These guidelines normally call for placing major elements of a program in the same agency or department, and lodging authority over the program in the head of the agency or department, while authorizing the agency head to delegate that authority.

* * * * *

The Secretary of HHS and the administrator of HCFA appear to be almost totally removed from any role regarding the Division of HCFA-Sponsored Plans, although they would apparently retain supervision and authority over the Division of Health Programs.

To a large extent, the proposed organizational and administrative restructuring of the agencies that would be administering the proposed Medicare program appears to depart from the traditional guidelines for the administration of government programs.

DIVIDED ADMINISTRATION: A RECIPE FOR CONFUSION?

The administration of the Medicare program is divided between the board and the Division of HCFA-Sponsored Plans. The fact that the Division must submit its sponsored plans to the board for approval compounds the problem. . . . What happens if the Division is unwilling or unable to develop plans the board finds acceptable? The board may appeal to the President for assistance, but since he appears to have little or no administrative or supervisory authority or responsibility regarding the operations of the board, he may have little motivation to intervene on its behalf.

The CRS points out that OMB is the only independent agency ''exercising considerable authority over other independent bodies . . . as the President's surrogate . . .

Even OMB, however, does not share or assume operating authority over government programs assigned to other agencies or departments.

It is difficult to find an example where independent bodies share administrative responsibility over a program, and where one body may veto the plans of another, as with the board and the Division of HCFA-Sponsored Plans.

CRS writes:

WHO'S IN CHARGE HERE? WHERE'S THE ACCOUNTABILITY?

Under S. 1895 the Secretary of HHS appears to be stripped of supervisory authority over the Medicare Program and of practically all authority over the Division of HCFA-Sponsored Plans [even though that Division is within HHS and operating under Federal laws].

Apparently, the Secretary would retain supervisory authority over only the Division's budget. Since the Secretary would have no role to play in the Division's activities, there is a possibility that its budget requests might not receive much support compared to other agencies in the Department.

The CRS memo notes ''two of the most independent units existing within departments appear to be the Office of Comptroller of the Currency and the Office of Thrift Supervision,'' both in Treasury.

. . . such independence generally is given only to independent regulatory commissions that for convenience sake are located within departments.

But note, Mr. Speaker: Medicare is not just a regulatory program: It is an insurance program for 40 million people that spends $220 billion a year and processes nearly a billion medical claims a year.

CRS writes:

WHY 7 MEMBERS?

A further issue of authority and ease of decisionmaking is raised by the seven-member composition of the proposed Medicare Board. The current trend is to establish boards of three to five members, because larger boards often experience great difficulty in reaching a decision. Most recently, the former Interstate Commerce Commission, which initially consisted of 11 members, and was later reduced to five members, was abolished and many of its functions were transferred to a three-member Surface Transportation Board.

WHAT PRESIDENT?

The amount of independence granted the Medicare Board from the President and from congressional oversight is highly unusual and serves to limit the accountability of the board members . . .

Presidential authority over one of the largest government programs would . . . be severely limited, because the Chief Executive would have virtually no authority over board activities . . . Congressional influence and direction would also be limited because the board, able to raise its own operating funds, would not be subject to the yearly appropriations process.

TALK ABOUT MAKING HCFA MORE UNRESPONSIVE!

It is rare for such agencies to be authorized to generate their operating funds. Only a handful of such agencies, nearly all involved with banking and financial matters, have such authority.

IN CONCLUSION, LET'S BE ANTI-DEMOCRACY

Congress Sometimes departs from traditional guidelines regarding what is considered the type of organizational and administrative structure most likely to result in the effective delivery of government programs. The proposed bill restructuring the Medicare program, departing as it does from those guidelines, raises questions because it would divide program responsibility and authority between two government entities, an independent Medicare Board and the Division of HCFA-Sponsored Plans. Difficulties in administering the program are more likely to arise and produce conflicts more difficult to resolve when a program is divided between two distinct federal entities than when located within one entity. Additionally, there may be a problem when one of the entities is located within a department and the head of the department has little if any supervisory authority over that entity. That situation may serve to separate the department head from any problems that the entity may be experiencing and make it less likely that he or she would be willing or able to help resolve those problems. Finally, the amount of independence proposed for the Medicare Board would make it more difficult for the President to exercise guidance and direction over the Medicare program, and for Congress to provide guidance and direction to the board through its use of the appropriations process.

TRIBUTE TO DENMARK'S AMBASSADOR TO THE UNITED STATES, K. ERIK TYGESEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in bidding farewell to Ambassador K. Erik Tygesen, who has served as Denmark's extraordinary envoy to the United States for the past five years. Ambassador Tygesen's outstanding efforts to promote the diplomatic relations between the United States and Denmark are a reflection of his exemplary devotion to democratic ideals, and we are immensely grateful for his commitment and integrity. He will be missed here in Washington.

In July 1997 President Clinton traveled to Denmark, the first-ever visit of a United States President in office. The trip was an overwhelming success, due in large part to the preparations and planning of Ambassador Tygesen. This visit further strengthened the long and strong lasting ties between our two countries. In his speech to Her Majesty the Queen of Denmark, President Clinton said, ''The United States has had relations with Denmark longer than with any other country, and our nations have never been closer than today. On almost every issue we stand together, and on some of the most important issues we stand together almost alone. But America always knows it is in the right if Denmark is by our side.''

Ambassador Tygesen embodies these sentiments that President Clinton voiced. Consistent with a long Danish tradition of championing peace, Ambassador Tygesen was a platoon leader in the first United Nations peacekeeping force, UNEF, in Gaza from 1956 to 1957. He subsequently devoted his life to the diplomatic service. After holding numerous high-level positions in the Danish cabinet, Ambassador Tygesen was appointed Deputy Head of the Danish delegation to the United Nations' 11th Special Assembly on Economic Affairs in 1980, where his performance was so commendable that he shortly thereafter was appointed Ambassador to Brazil and then to Germany. In 1995 he was made Ambassador of the Kingdom of Denmark to the United States of America.

In this last post, Ambassador Tygesen encouraged Denmark to join the United States as an active part of the international effort to counter the destabilizing effects of President Milosevic's ethnic cleansing agenda in the former Yugoslavia. Consequently, Denmark was the one of the largest per capita contributors to peacekeeping missions in Kosova, participating in the air campaign and providing troops and police as well as humanitarian aid and reconstruction assistance.

Ambassador Tygesen also promoted Danish support of NATO expansion. At the Washington Summit in April 1999, Denmark welcomed Poland, Hungary and the Czech Republic to NATO. This generosity of spirit and global awareness were also evident as Ambassador Tygesen sought, both in Washington and in Copenhagen, to support further liberalization of transatlantic trade in the interest of both our countries. His efforts to contain and eliminate trade frictions and to devise an early-warning system so that both sides of the Atlantic might avoid such trade disputes in the future have strengthened cooperation between the United States and the European Union.

Last year the Ambassador also secured Danish funds which made it possible to sign an agreement between the Danish Ministry of Culture and the government of the United States Virgin Islands (the former Danish West Indies). Denmark shares a rich common heritage with these islands, and through this agreement will transfer original archival material on the history of the Danish West Indies from the Danish National Archives in Copenhagen to the Unites States Virgin Islands.

Ambassador Tygesen has been integral to promoting the continued good relations between the United States of America and the Kingdom of Denmark. He displays all the noble qualities of compassion, reasonableness and foresight which characterize his countrymen, and we in Washington shall miss him greatly.

HONORING CENTRAL CONNECTICUT STATE UNIVERSITY'S MEN'S BASKETBALL TEAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LARSON. Mr. Speaker, on behalf of Congressman SAM GEJDENSON (CT–02) and myself, today I honor a special group of college athletes who have captured the hearts and minds of people across the State. On March 16, the Central Connecticut State University Men's Basketball team played in the NCAA Division I tournament for the first time since joining the division in 1986.

When the Blue Devils traveled to the Minneapolis Metrodome for their big game, they brought with them the accomplishment of a 25 and 5 overall record during the 1999–2000 season, including a 15-game winning streak, and the title of Northeast Conference Champions. They had set their sights on a win in the first round of action, but they were already winners in the hearts of many across the Nation.

Central waited many years, but it was finally their turn at the ''big dance.'' As an alumnus of the University, I could not be happier for the team.

There is nothing better than school pride. The approximately 12,000 students who attend the University, which is located on a campus that encompasses both Newington and New Britain Connecticut, were given two more reasons to feel this pride with the team's win at the Northeast Conference on March 6, and with the announcement on Sunday, March 12 that they were headed to the NCAA Division I Championship playoffs.

The great, former Central coach Bill Detrick summed up the passion and pride that alumnus, students and friends of the University felt when the team won the Northeast Conference Championship, ''When those nets were cut down, oh boy, all the players, coaches and fans ever at Central were up on that ladder, too.''

Yes, in a manner of speaking, we were on that ladder. And the person who helped us experience that amazing moment was the Blue Devil's coach and fellow University alumnus, Howie Dickenman. Under his leadership the team won the Northeast Conference Championship just two years after joining the conference. In just his fourth year as head coach, Dickenman has transformed the Blue Devils from a 4 and 22 team into champions. No one is more deserving of the Northeast Conference Coach of the Year recognition than Howie Dickenman.

Here is a man who just earned a remarkable professional achievement, but who gave

the glory of the moment to the memory of his best friend from college and former coaching staff colleague, Dave Rybczyk. Dave past away in September 1999, but he spent 11 years working as assistant coach along side his dear friend Howie. What a moving moment when Howie let Dave's son and former Blue Devil's player, Mark, cut the final strands of the net after the Northeast Conference Championship game in honor of his father.

I had the pleasure of going to college with How Dickenman so I know first hand what a caring individual he is, and how passionate he is about coaching. He takes the legacy passed down to him by his father, a former basketball coach at Norwich Free Academy in Norwich, CT, very seriously. So much so, that he carried one of the bowties that his father used to wear as a coach in his pocket during Central's championship game.

Words of gratitude for this ''dream season'' must also be expressed to the team's assistant coaches Steve Pikiell, Patrick Sellers, and Anthony Latina. Central's men's basketball program truly encompasses the meaning of the word ''team.'' The dedication and support of Steve, Patrick, and Anthony played a key role in helping these amazing players be their best.

And finally, the amazing players. Each one has helped make this very special moment happen for the school and they should be extremely proud of their accomplishment. Wherever life may take them upon graduation from Central Connecticut State University, the memories of this remarkable season will remain with them forever.

We would be remiss if we did not mention the most selfless act of one player in particular, Victor Payne, which was observed by University President Richard Judd.

A dedicated fan, who is a wheelchair-bound Central student, has attended every one of the team's games. And the team's Northeast Conference championship game in Trenton, NJ, was no exception. After the net was lowered, Victor Payne cut off a string and quietly, without fanfare walked over to this student and handed it to him. What a heart-rendering act of team spirit that embodies what the athletic program at Central Connecticut State University is all about. Victor Payne wasn't told to do that, he just knew in his heart it was the right thing to do.

We offer out most sincere congratulations to the Central Connecticut State University Men's Basketball team on their many successes this season. Thank you for the wonderful memories you have provided.

We wish the Blue Devils many years of continued success. Thanks for making two of your biggest fans very proud.

TRIBUTE TO EDWARD HEALEY

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. FOLEY. Mr. Speaker, I rise today to recognize a gentleman from southern Florida who devoted his life to public service. State Representative Edward Healey, a former opponent and a valued colleague passed away last Wednesday.

Ed dedicated his professional and personal life to the people of Florida and as a state legislator he served as one of the most senior members in the history of the Florida House. His contributions to the lives of all Floridians will continue to pay dividends for generations to come. As he was fond of saying, ''A life of service is the only life worth living.''

Originally from New York, Ed was awarded the Purple Heart for his actions in northern France during the invasion of Normandy. He moved to Florida in 1957 and quickly became involved in public service. Never one to grandstand, Mr. Healey was a true statesman, following his convictions and transcending political wrangling.

Long before ethics and campaign finance reform became buzz words in elections, Ed Healey was an advocate of good government. He worked to build the infrastructure of Florida through a solid knowledge of transportation issues and his work on the Joint Management Committee. He was known as one of the hardest working members in Tallahassee.

He is the epitome of a gentleman. As a former opponent in state politics, I can say he was always a true gentleman and a fair competitor. Ed was a person that would reach out to people whether you agreed with his views or not and was as comfortable meeting with people in Dunkin Donuts as he was at the Breakers. He will be truly missed.

Mr. Speaker, on behalf of the citizens of Florida, I would like to say thank you to Mr. Healey.

INTRODUCTION OF THE IDEA FULL FUNDING ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GOODLING. Mr. Speaker, today, I am introducing the IDEA Full Funding Act of 2000 which will set us on the course of reaching the commitment the U.S. Congress made 24 years ago to children and families with special education needs. That commitment was to provide children with disabilities access to a quality public education and contribute 40 percent of the average per pupil expenditure to assist States and local school districts with the excess costs of educating such children.

Unfortunately, we have failed to fully meet this commitment. Nevertheless, over the past four fiscal years (fiscal year 1997, fiscal year 1998, fiscal year 1999, and fiscal year 2000), we have fought for and achieved a dramatic $2.6 billion funding increase for IDEA. This is a 115 percent increase in the Federal share for Part B of IDEA. However, this amounts to only 12.6 percent of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities.

Failing to meet our full commitment contradicts the goal of ensuring that children with disabilities receive a quality education.

The Congressional Research Service estimates that over $15 billion would be needed to fully fund Part B of IDEA. The fiscal year 2000 appropriation for Part B was $4.9 billion, leaving States and local school districts with an unfunded mandate of more than $10 billion.

The bill I am introducing today sets a schedule to meet the 40 percent commitment by the year 2010. While many of us believe we should already be paying our fair share, this bill will authorize increases of $2 billion each year to ensure that our commitment becomes a reality in 10 years.

This Congress overwhelmingly passed a resolution stating that our highest education funding priority should be fully funding the Individuals with Disabilities Education Act.

I think that before we create new programs out of Washington, the Congress needs to ensure that the Federal Government lives up to the promises it made to the students, parents, and schools over two decades ago. If we had followed that commitment, local school districts would have the funds necessary to build new schools, hire new teachers, reduce class size and buy more computers. All new programs that the Administration has promoted over the last several years without funding the promise we made in 1975.

In my district, the York City School District receives $363,557. If IDEA were fully funded, this school district would receive $1,440,000, an increase of $1,080,000. The York City School District currently spends $6.4 million each year on special education services, which represents about 16 percent of its total budget. The Federal contribution is currently only 5.7 percent of this.

If the Federal Government paid the promised 40 percent for special education, York City would have approximately $1.1 million in additional funds to spend on other pressing educational needs. While $1.1 million may not sound like a lot of money, I can assure you that in a school district like York City, this represents a significant source of funds.

Just 3 years ago, Congress and the administration worked together in a true bipartisan fashion to reauthorize IDEA so those children with special needs can have more options and services. It is my hope that we can continue that bipartisan work to fully fund the IDEA and finally make good on our commitment.

I urge my colleagues to support this bill.

HONORING THE 50TH ANNIVERSARY OF THE BELLE-SCOTT COMMITTEE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. COSTELLO. Mr. Speaker, today I ask my colleagues to join me in honoring the 50th anniversary of the Belle-Scott Committee of Belleville and Scott Air Force Base, IL.

The Belle-Scott Committee evolved from the ''Belleville Plan'' which was created in 1950 by then Belleville mayor, H.V. Calhoun, Maj. Gen. Robert Harper, commander of the Air Training Command at Scott Air Force Base and Col. George W. Pardy, Scott's commanding officer.

The ''Belleville Plan'' was announced at the First ''G.I. Pal Dinner'' which was held on November 29, 1950, at the U.S.O. Canteen in Belleville, IL. This committee, which has been in continuous existence since that time, offers a direct means by which the two communities, military and civilian, work together to promote matters of mutual interest.

Military and civilian representatives meet on a monthly basis to discuss cooperative social, recreational and cultural efforts between Scott Air Force Base and the city of Belleville, IL.

The group works toward more cooperative active participation in religious and educational programs and also fosters a closer working relationships between both Belleville and Scott's governmental operations.

The Belle-Scott Committee arose from the need to address community and base relationships in the late 40's and early 50's. Media reports at that time, which indicated that local military personnel were treated as second class citizens, paying higher prices than normal and unable to secure appropriate housing opportunities were reasons that the Belle-Scott Committee came into existence.

Since then, the Belle-Scott Committee has received national recognition. It was featured on the CBS Radio Network's ''The People's Act'' series in March 1952, and at least 10 nationally circulated magazines have published special features to list their achievements. In addition, newspapers throughout the country have also published articles dealing with the work of the committee. Several other air force bases and their host communities are using ''Belle-Scott'' as a guide in developing their efforts. The committee's research leads them to believe that they are the oldest military/community cooperation committee in continuous existence at any U.S. military installation.

This year will be the 50th anniversary of the first ''G.I. Pal Dinner'' now known as the ''Belle-Scott Enlisted Dinner.'' The event brings more than 150 civilians, 50 officers from Scott Air Force Base and more than 100 enlisted guests. While the reasons for the formation of this committee had initially to do with civilian-military cooperation, it is the solving of these problems by persons both from the Base and from the city and the 50 years of continuous good relationships fostered by the Belle-Scott Committee that we now look to with pride.

Mr. Speaker, I ask my colleagues to join me in honoring the service of the Belle-Scott Committee and for the assistance it provides in fostering the support of our civic and military personnel.

MEDICARE BOARD: BAD IDEA NO. 4

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. STARK. Mr. Speaker, some people are proposing legislation, such as S. 1895, that would turn Medicare over to a 7-person board and noncivil service staff.

Bad idea.

For the last 3 days I've entered in the RECORD portions of Congressional Research Service memos describing the administrative problems such a board could create.

I would like to submit in full the following footnote from the CRS memo that quotes the National Academy of Public administration's warning about boards:

The National Academy of Public Administration is on record as being opposed to boards of directors for most corporate bodies.

We believe that this arrangement, borrowed from the private corporation model, has more drawbacks than advantages and that in most cases the governing board would be better replaced by an advisory board and the corporation managed by an administrator with fully executive powers. A governing board may cut or confuse the normal lines of authority from the President or departmental secretary to the corporation's chief executive officer. With an advisory board, the secretary's authority to give that officer policy instruction is clear, as is the officer's right to report directly to the secretary and to work out any exemptions from or qualifications of administration or departmental policies and practices which the corporation requires.—National Academy of Public Administration, NAPA Report on Government Corporations, vol. 1 (Washington: NAPA, 1981), pp. 31–32.

CASTELLINO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a close personal friend and devoted public servant, Frank Castellino, upon the occasion of his retirement. Frank will be honored by his friends and colleagues on March 23rd, and I am honored to have been asked to participate in this event. Frank Castellino is an institution in Luzerne County Courthouse, and his daily presence will be missed by everyone who has become so accustomed to his warmth and genuine concern for people.

Frank Castellino began his public service as a clerk in the Luzerne County Recorder of Deeds office in 1940. In 1968 he was elected Recorder of Deeds and proceeded to serve eight consecutive terms. No matter how busy he was, Frank always had time to get personally involved in solving people's problems.

I first came to know Frank Castellino when I was a boy tagging along with father as he visited the Recorder of Deeds office in his law practice. Later I grew to know him as the father of one of my classmates at Dickinson School of Law. Once I began my own practice of law, I frequently took advantage of his considerable expertise and helpfulness.

A lifelong resident of Pittston, Frank also served as Alderman from 1946 to 1966. He is a member and past president of the Pittston Lions Club and the Luzerne County Columbus League, which erected the Columbus memorial in Pittston. He served in the U.S. Navy during World War II. Under Frank's leadership, the Luzerne County Recorder of Deeds office was the first in the state to computerize its records.

Mr. Speaker, the Luzerne County Board of Commissioners paid a fitting tribute to Frank when they praised him as a ''gracious and good-natured gentleman, who carried out his professional and personal responsibilities with a zeal many of us would envy, and whose broad community impact can never be fully measured.''

I am pleased and proud to join with the Commissioners in thanking Frank Castellino for his years of dedicated service to Luzerne County and commending him on a ''job well done.'' I send my sincere best wishes for a happy, healthy and productive retirement.

BENIN MAKES PROGRESS IN DEMOCRACY AND HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LANTOS. Mr. Speaker, I want to call the attention of my colleagues to the West African nation of Benin and its President, Mathieu Kerekou. This country's story is a remarkable one, and an encouraging one. Under President Kerekou's leadership in the 1970s and 1980s, Benin made the difficult transition from authoritarian rule to democracy. President Kerekou won the country's second free election in 1996, an election which our Department of State called ''generally free and fair''—strong praise for a country on this continent where democracy has suffered many setbacks in recent years. President Kerekou succeeded the former president in a peaceful transition of power.

The State Department's 1999 Country Reports on Human Rights Practices notes that President Kerekou ''continued the civilian, democratic rule begun in the 1990–91 constitutional process.'' The report also notes that the government has generally respected the human rights of its citizens. The Constitutional Court has shown its independence of the government, and when the court recently ruled provisions of a decentralization law unconstitutional, the legislature and the President accepted this decision.

Benin is a small country and a poor one, but the Kerekou government has taken positive steps to strengthen its economy through privatizing state-owned enterprises and deregulating the economy. Under President Kerekou's leadership, Benin has been peaceful and stable.

Mr. Speaker, Benin has been willing to take courageous foreign policy decisions that run counter to generally accepted practice. The Government of Benin recently announced that it plans to open an embassy in Israel's capital city of Jerusalem. Benin becomes just the third country to establish an embassy in Israel's capital, after Costa Rica and El Salvador. Mr. Speaker, I look forward to the time when the United States will join these three countries and move our embassy in Israel to Jerusalem as mandated by the Congress.

Mr. Speaker, I invite my colleagues to join me paying tribute to the nation of Benin and its President, Mathieu Kerekou.

HONORING THE GOOD SHEPHERD REHABILITATION FACILITY VOLUNTEERS

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. TOOMEY. Mr. Speaker, today I pay tribute to a group of my constituents who do volunteer work helping others in my district. Over 300 volunteers at the Good Shepherd rehabilitation facility recently received Raker Memorial Awards for their service. These volunteers contributed over 38,000 hours of service in 1999, helping to improve the lives of thousands of people in the community. From assisting residents with their chores to inspiring

them during difficult physical therapy, the acts of these volunteers show the depth of their generosity and compassion. The volunteers help individuals with disabilities achieve their full potential, and represent a light of hope to the entire community. I applaud Good Shepherd's wonderful volunteers for providing a service that aids so many members of the Lehigh Valley community. Mr. Speaker, all the volunteers at the Good Shepherd rehabilitation facility are Lehigh Valley Heroes.

LIST OF HONOREES

Mr. Bruce Achey, Ms. Edna Adams, Mr. David Allen, Ms. Janet Ober, Ms. Althea Axe, Ms. Veronica Baker, Ms. Lucille Balzano, Ms. Virginia Bankhard, Ms. Betty Barrall, Ms. Rachael Bartek, Ms. Kathleen Batz, Ms. Shirley Baum, Ms. Christine Beck, Mr. James Beck, Ms. Dori Ann Becker, Mr. Michael Beecham, Ms. Diane Beil, Mr. Joseph Bemolas, Mr. Nicholas Bolling, Jean Borchick, Ms. Michelle Botelho, Ms. Evelyn Bouchat, Ms. Diane Bozzelli, Ms. Marilyn Breitenfeld, Ms. Sarah Brint, Ms. Donna Buzby, Ms. Heather Capuano, Mr. Matthew Cascioli, Mr. Vincent Carvallaro, Ms. Sandra Christman.

Ms. Sara Christman, Ms. Lois Cocanougher, Ms. Barbara Colby, Mr. James Collins, Mr. Frank Conlon, Richard Covert, M.D., Ms. Gloria Cowdrick, Mr. James Craig, Ms. Amber Cromer, Ms. Shannin Crone, Ms. Krystal Cruz, Mr. William Czar, Ms. Katie Czekner, Mr. Michael Daniels, Ms. Heather Deeble, Mr. Stephen DeLacy, Ms. Dorothy DeLazaro, Mr. Michael Delgrosso, Ms. Sarah D'Emilio, Ms. Ashley Donchez, Ms. Mary Dreisbach, Mr. Nathan Druckenmiller, Ms. Patricia Engler, Ms. Jill Farrara, Ms. Catherine Favata, Jean Feldman, Ms. Linda Ferrol, Ms. Elizabeth Fillman, Mr. Joseph Fischl, Ms. Jennifer Fleck.

Ms. Nichol Foster, Ms. Irene Francoeur, Ms. Janet Frederick, Ms. Lauren Gallagher, Ms. Erica Garber, Ms. Suzanne Garber, Ms. Cynthia Ann Garguilo, Mr. Sephen Gaul, Ms. Katherine Geiger, Ms. Mary Geiger, Ms. Maria Gentis, Ms. Sharon George, Ms. Kristen Gilbert, Ms. Megan Gilbert, Ms. Katie Grasso, Ms. Henrietta Graul, Ms. Maureen Griffin, Mr. William Griffith, Ms. Kristen Grob, Mr. Raymond Grube, Ms. Pauline Gruber, Mr. Warren Haas, Ms. Gladys Hahn, Ms. Rachel Halton, Ms. Mary Lou Hann, Ms. Katie Hannon, Mr. George Hargesheimer, Nichole Harris, Ms. Alison Hartman, Francis Hartneft.

Mr. William Hathaway, Ms. Dolores Hauze, Ms. Elizabeth Held, Ms. Helen Held, Ms. Hillary Hermansader, Ms. Elaine Herzog, Ms. Kitty Heydt, Ms. Sarah Hilbert, Ms. Varta Hojjat, Ms. Connie Holleman, Ms. Erin Hontz, Ms. Jennifer Hoyt, Ms. Sahnnon Hrabina, Mr. Nathan Huskey, Ms. Gale Hyman, Ms. Brittany Johnson, Ms. Carol Ann Johnson, Phyllis Johnson, Ms. Julie Kametz, Ms. Valerie Kamon, Mr. Joseph Kane, Ms. Davene Kates, Ms. Kristie Kapinas, Ms. Dolores Kelhart, Ms. Andrea Kiechel, Ms. Debbie Kiniuk, Ms. Tammy Kissel, Mr. Christopher Kissel, Mr. Kenneth Kissinger, Kelly Klampert.

Mr. Jason Klepac, Mr. Frederick Knauss, Mr. Winfield Knechel, Ms. Anne Knecht, Ms. Dorothy Knerr, Ms. Eugene Knerr, Ms. Sue Ann Knoebel, Mr. Donald Knowles, Mr. Joseph Koch, Mr. Sean Kopishke, Ms. Caitlin Kordek, Ms. Linda Kreithen, Ms. Cynthia Kutz, Ms. Sarah Lang, Mr. Brian Larrimore, Ms. Elizabeth Lawson, Mr. James Layland, Curelle Lee, Maur Levan, Mr. and Mrs. Arthur Lichtenwalner, Ms. Maria Lieberman, Mr. and Mrs. Delsin Lindter, Mr. and Mrs. Douglas Lloyd, Ms. Samantha Loving, Mr. and Mrs. Alan Lucas, Ms. Harriet MacDonald, Ms. Virginia MacDonald, Ms. Holly Macko, Ms. Susann Madara, Elfie Maniatty.

Ms. Reba Marblestone, Ms. Tara Marsh, Ms. Judith Marushak, Ms. Ellen Masenheimer, Ms. Rita Maugle, Jahvon McAuley, Ms. Ann McCandless, Ms. Marie McClay, Mr. and Mrs. Frank McCormick, Mr. Daniel McFadden, Mr. Charles McKenna, Ms. Patricia Mease, Mr. Hector Mendrell, Ms. Elizabeth Messer, Ms. Pauline Metzger, Ms. Erica Miller, Ms. Justine Miller, Mr. Kyle Miller, Ms. Sharon Miller, Ms. Stephanie Minarik, Ms. Ruth Morgan, Ms. Doris Moser, Mr. Patrick Murphy, Mr. and Mrs. Michael Nagle, Ms. Milly Nagle, Ms. Lauren Neveling, Mr. and Mrs. Matthew Oberdoester, Ms. Elizabeth Oberly, Mr. Kevin O'Neill, Mr. and Mrs. Edward Orach.

Mr. Michael Orendock, Mr. Gus Orphanides, Mr. Michael Palumbo, Ms. Georgine Patt, Mr. and Mrs. John Pello, Vergen Perez, Ms. Lillian Peters, Ms. Cheryl Petrakovich, Ms. Betsey Pitt, Kelly Potter, Ms. Judy Prodes, Ms. Linda Quinn, Marian Ramacci, Ms. Cynthia Raub, Ms. Eleanor Reichard, Ms. Valerie Reinhard, Ms. Sara Reinik, Ms. Janna Reiss, Ms. Sara Reiter, Phares Reitz, Ms. Susan Reynard, Ms. Kimberly Reynolds, Ms. Sharon Ritchey, Ms. Patricia Rice, Mr. Rey Rivera, Mr. Jorge Rodriguez, Mr. Joshua Rodriguez, Ms. Reina Rodriguez, Ms. Julia Rossi, Mr. Charles Roth, Mr. Ryan Ruch.

Ms. Allison Ruyak, Ms. Jennifer Sabot, Ms. Virginia Saemmer, Mr. James Sawruk, Mr. Roger Scanlon, Ms. Brenda Schaadt, Mrs. Betty Scharfenberg, Ms. Dorothy Scherer, Mr. Charles Schmehl, Ms. Mary Schmitt, Mr. Joshua Schnalzer, Mr. Justin Schnoll, Mr. Justin Schurawlow, Ms. Marie Scofield, Ms. Berverly Seibert, Mr. Richard Seitzer, Mr. Bobbie Shuhler, Ms. Kathy Schumack, Ms. Tara Siegle, Ms. Cathryn Sinnitz, Ms. Catherine Smicker, Ms. Dariene Smicker, Ms. Brenda Smith, Jamie Smith, Mr. and Mrs. Michael S. Smith, Ms. Arline Snyder, Ms. Melanie Snyder, Ms. Susan Soler, Mr. Simon Song, Mr. and Mrs. Travis So.

Mr. Justin Spanburgh, Mr. Jason Stauffer, Mr. Jerome Stephan, Ms. Lucille Stephens, Ms. Ruth Stier, Ms. Farahlee Straukas, Ms. Joyce Szmodis, Ms. Tamey Nora Lee, Ms. Nichole Taylor, Mr. Ted Terry, Ms. Lynn Teumim, Ms. Carol Thompson, Ms. Mary Lynn Thompson, Mary Kay Thomson, Mr. Bradley Trabosh, Ms. Jamie Trumbauer, Ms. Arlene Uhl, Ms. Mary Jane Uhl, Ms. Hope Ulmer, Mr. and Mrs. Richard Vorholy, Ms. Louise M. Wagner, Ms. Phyllis Wagner, Ms. Philomay Walker, Mr. Allen Walp, Ms. Mildred Wehr, Mr. James Wickert, Ms. Alice Widmann, Mr. Henry Williams, Ms. Geraldine Wilson, Ms. Katrina Wilson, Mr. Fred Yeakel, Mr. and Mrs. Jeff Youst, Ms. Dolores Zale.

JOSEPH W. DIEHN AMERICAN LEGION POST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Ms. KAPTUR. Mr. Speaker, I rise today at the request of the Auxiliary of the Joseph W. Diehn American Legion Post in Toledo, Oh. The auxiliary has asked that its 2000 Annual Americanism Program be officially recognized, and I am pleased to submit the auxiliary's report for the record. The American Legion Auxiliary continues to play a vital role in holding dear the flame of freedom and imbuing its spirit in generations of young people through its annual Americanism program. Further, the program benefits the young participants directly by awarding academic scholarships to winners.

The Joseph W. Diehn American Legion Post Auxiliary's Legislative Chair, Jane Ann Rhoades submits:

''On February 20, 2000, J.W. Diehn held its annual Americanism program. The program was opened by Sylvania's Town Crier. Colors were posted by the newly formed Post Color Guard. The program was attended by local dignitaries including Sylvania's Mayor, Craig Stough, and Lucas County Commissioner Harry Barlos.

''The Sylvania Southview band played the 'Star Spangled Banner' and several patriotic hymns, including those of each branch of the armed services.

''The Americanism and Government test winners were presented with scholarships. This year's topic was 'Voting and the Importance of One Vote.' The winners were Chung Van Koh of Southview, Karen Wabeke of Northview, and Mike Samples of Northview. The government test winners were Rustam Salari of Southview, Jeff Allota of Northview, and Alexi Osborne of Southview.

''Miss Poppy, Cortney Furguson, read the 'Poppy Story.' The program concluded with the singing of ''God Bless the USA.'''

HONORING CONGRESSWOMAN PATRICIA SCHROEDER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. UDALL of Colorado. Mr. Speaker, to mark National Woman's History Month, I rise to honor an outstanding leader from Colorado—a woman who broke down stereotypes and fought hard for what she believed was right, Representative Patricia Schroeder.

Pat represented Colorado's 1st Congressional District from 1973 to 1996. As a 12-term Member of Congress, she was affectionately known as the feminist ''Dean'' on Capitol Hill at a time when feminism was thought of as a radical idea. She helped change the way people thought about women. Her hard work in Congress ensured that women would be allowed to take care of their newborn children, that men and women would be able to take family and medical leave to care for a loved one, and that violence against women would not be tolerated in America.

Representative Schroeder was first elected to Congress in 1972 on an anti-Vietnam war platform. One of her first committee assignments was the Armed Services Committee, where she helped reshape the debate about arms control, responsible defense spending and improved working conditions for military personnel. On that committee, Pat worked to make sure that spouses of military personnel received health and survivor benefits. She also authored legislation that authorized State courts to divide military pensions in accordance with State divorce laws.

During her tenure on the Armed Services Committee, Pat was the chair of the Subcommittee on Military Installations, and later she chaired the Subcommittee on Research and Technology. She also served on the Committee on Post Office and Civil Service and the Select Committee on Children, Youth and

Families, which she eventually chaired. In addition, Pat was a member of the Committee on the Judiciary.

When she retired in 1996, Representative Schroeder was the dean of Colorado's congressional delegation. Coloradans are independent in thought and deed, and Pat is a perfect example of that characteristic. She fought old attitudes and prejudices and overcame great odds to make a difference in how women are perceived and treated. When Pat was asked why she was running as a woman, she would respond, ''What choice do I have?'' One of her slogans was, ''When She Wins, We Win''—and so we did during the 24 years she served in the House. I am pleased to honor former Representative Patricia Schroeder during National Women's History Month.

RONGELAP RESETTLEMENT EXTENSION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I want my colleagues to be aware of a constructive and welcome agreement concluded this month by the Department of the Interior with the Rongelap Atoll Local Government which is a direct result of a bill passed by the House last year. H.R. 2970, ''A bill to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands.'' The primary intent of the legislation which I introduced with the Senior Democratic Member of the Committee on Resources, George Miller, was to extend for ten years the existing resettlement agreement initially required by Congress. Finally, the objective of Congress in H.R. 2970 was accomplished with the signing on March 10, 2000, of the Memorandum of Agreement on Implementation of the ''Agreement Regarding United States Assistance in the Resettlement of Rongelap Concluded Between the United States Department of the Interior and the Rongelap Atoll Local Government''.

Rongelap is an atoll in Micronesia and the home of people and islands which was contaminated by high level radioactivity during the U.S. nuclear testing program in the Marshall Islands. The United States provides assistance to this former Trust Territory community in accordance with the Compact of Free Association between the United States and the Republic of the Marshall Islands, as well as subsequent treaties and agreements relating to the current resettlement projects at Rongelap Island. The background on H.R. 2970 and Rongelap resettlement is set forth in House Report 106–404.

The Committee on Resources, which I chair, developed H.R. 2970 on a bipartisan basis, recognizing the success to date of the resettlement and radiological rehabilitation of Rongelap and the need to continue the decision-making process of the resettlement of Rongelap by the local atoll government, rather than directly by the Department of the Interior. However, the legislation was also in recognition that the Department of the Interior had done a good job carrying out the resettlement policies embodied in Section 103(i) of Public Law 99–239, Public Law 102–154, and Section 118(d) of Public Law 104–134. Specifically, in the bill, we agreed to continue for at least another ten years the current program under which the Rongelap Atoll Local Government (RALGOV) manages the Rongelap Resettlement Trust Fund and determines its use to achieve the resettlement goals defined by the Rongelap people and address their current condition of dislocation.

On October 26, 1999, the House unanimously approved H.R. 2970, to extend by law the program for the resettlement of Rongelap which has been established by the Department of the Interior as directed by Congress under statutes authorizing resettlement assistance. The bill was referred to the Senate Committee on Energy and Natural Resources, which is chaired by my good friend from Alaska, Senator FRANK MURKOWSKI. I believe the Senate's willingness to take consideration of H.R. 2970 if the current policy were not continued by agreement between DOI and RALGOV contributed directly to the recent conclusion of just such an agreement.

What the DOI and RALGOV have now agreed to and accepted are indeed the same result as would have obtained under H.R. 2970. This outcome could have been accomplished by agreement of the parties or enactment of legislation, and I am pleased that the House action approving H.R. 2970 and the Senate's support for the underlying policy led the parties to take the initiative and agree to extend that policy for ten years as the House bill provided.

While the Secretary of Interior necessarily retains the power to disapprove use of the trust fund in a way that does not advance resettlement or address the conditions of dislocation, we believe RALGOV established a good record administering the resettlement program. Use of up to 50% of the annual earnings of the trust fund for local government operations so that it can bear the costs and burdens of administering the resettlement program has proven the efficient and economical way to carry out the resettlement program.

Without enabling the local government to support and manage the resettlement program directly, a community decision-making process and administrative structure that would duplicate the local government would have to be created to manage the resettlement process. Instead, the local government has taken responsibility for resettlement, dealing with dislocation and resettlement have become the central organizing mission and purpose of the local government instead of a program being carried out by the U.S. government. This has a democratic institution building effect for the community, and ensures a stable policy and program. This is important for planning purposes because resettlement is a long term project the ground rules for which should not change unless there is a good reason for it.

I commend the Rongelap Atoll Local Government for its successful management of Phase I of the resettlement program. Mayor James Matayoshi has improved local government operations in order to make RALGOV administration of resettlement possible. Coordination and cooperation between the local council and the Marshall Islands government is enabling far greater progress than anyone expected. With the extension of the agreement for ten years, Rongelap leaders can confidently engage in long-term planning and take action locally consistent with the federally-funded resettlement plan to move forward in the process of both physical resettlement, radiological rehabilitation, and cultural recovery that is taking place under the resettlement program.

Following is the agreement by the Department of the Interior with the Rongelap Atoll Local Government, dated March 10, 2000:

MEMORANDUM OF AGREEMENT ON IMPLEMENTATION OF THE ''AGREEMENT REGARDING UNITED STATES ASSISTANCE IN THE RESETTLEMENT OF RONGELAP CONCLUDED BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE RONGELAP ATOLL LOCAL GOVERNMENT''

1. With respect to implementation of the ''Agreement Regarding United States Assistance in the Resettlement of Rongelap Concluded Between the United States Department of the Interior and the Rongelap Atoll Local Government'', dated September 19, 1996, as amended, it is hereby agreed that Section 3 thereof, as amended effective September 29, 1999, shall terminate at the end of fiscal year 2010, unless extended thereafter by agreement of the Secretary of the Interior or applicable law.

2. This agreement shall enter into full effect upon its signature on behalf of the United States Department of the Interior and the Rongelap Atoll Local Government.

Date: March 10, 2000.

JOHN BERRY,
Assistant Secretary for Policy, Management and Budget.

For the United States Department of the Interior.

Date: March 10, 2000.

HOWARD HILLS,
Counsel for Resettlement Affairs.

For the Rongelap Atoll Local Government.

PERSONAL EXPLANATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GARY MILLER of California. Mr. Speaker, on Thursday, March 16, 2000 I had to return to my district in order to attend to personal business. During my absence, I missed roll call votes 53, 54, and 55.

Had I been present, I would have voted ''no'' on Mr. BOEHLERT's substitute amendment to H.R. 2372. I would have voted ''no'' on the motion to recommit H.R. 2372 with instructions. I would have voted ''yes'' to pass H.R. 2373, the ''Private Property Rights Implementation Act of 2000''.

TRIBUTE TO EAST TEXAS LITERACY COUNCIL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in recognition of the East Texas Literacy Council, which recently was selected to be the first literacy agency in the nation to receive accreditation from Literacy Volunteers of America. The Literacy Council is well known in my

district for its outstanding work in promoting adult literacy, and it is with a great sense of pride that I join citizens and officials of Longview, TX, and Gregg County in paying tribute to those community leaders and volunteers who have contributed so much to the success of this organization.

Literacy Volunteers of America is a national, nonprofit organization consisting of more than 375 community programs in 42 states. The organization delivers local literacy services through a network of more than 50,000 volunteers nationwide who have helped more than half a million adults and their families gain literacy skills. It is quite an accomplishment for the East Texas Literacy Council to be chosen as the first local affiliate in the nation to receive accreditation from the Literacy Volunteers—and it is a testament to the dedication, hard work and quality of service of the Literacy Council's staff and volunteers.

The East Texas Literacy Council was founded as a community-based, nonprofit organization in 1987. Through collaboration with other community agencies, the Literacy Council provides opportunities for adults in Gregg County to develop the basic literacy skills necessary to attain self-sufficiency and to function successfully in their community. Last year more than 500 adults benefitted from this program—almost 200 learning basic literacy skills and more than 300 learning English as a Second Language. These adults were instructed by more than 100 volunteer tutors who received ten hours of basic literacy training.

Executive Director of the East Texas Literacy Council is Freda Peppard, who has provided effective leadership for the organization over the past nine years. Current officers of the Board of Directors are Mary Price, president; Clement Dunn, vice president; Jerre Jouett, secretary; and Jennifer Slade, treasurer. Others who have been instrumental in the Council's success include Cissy Ward, longtime community leader who helped organize the East Texas Literacy Council and became its first Executive Director, and Retta Kelly, formerly publisher of the Longview News-Journal, who served as the Council's first Board president. Another influential community leader, Nancy Jackson, served as Executive Director following Mrs. Ward's tenure. Mrs. Ward and Mrs. Jackson continue to advise and work with the Council.

The East Texas Literacy Council is a community success story—and an example of what can be accomplished through public/private funding and through community-based partnerships. Funding sources for the Literacy Council include the United Way, Community Development Block Grant funding and various fund-raising initiatives. Affiliations include Longview Partnership, Laubach Literacy Action, The Nonprofit Coalition and Literacy Volunteers of America.

Mr. Speaker, the cost of illiteracy to individuals, to their families and to society is enormous. Literacy programs, such as those sponsored by the East Texas Literacy Council, are vital in our efforts to help individuals acquire the skills they need to be productive citizens and to be able to support themselves and their families. It is a privilege to pay tribute today to this exemplary literacy organization in the Fourth District of Texas—the East Texas Literacy Council—and to those dedicated staff members and volunteers whose hard work has helped make this organization such a success.

PERSONAL EXPLANATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SKELTON. Mr. Speaker, on Thursday, March 16, 2000, during debate of H.R. 2372, the Property Takings legislation, I was unavoidably detained due to a prior family commitment. Unfortunately, I was unable to vote on rollcall votes 53, 54, and 55. Had I been present, I would have voted ''no'' on rollcall vote 53, the Boehlert substitute, ''no'' on rollcall vote 54, the Motion to Recommit, and ''yes'' on final passage of the bill—rollcall vote 55.

HONORING ZETA BETA TAU FRATERNITY AND ROGER WILLIAMS DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GILMAN. Mr. Speaker, today I applaud Zeta Beta Tau Fraternity, my brotherhood, for celebrating the life of Roger Williams, founder of the colony of Rhode Island, and a strong supporter of religious and political liberty.

In 1631, clergyman Roger Williams, left England, a land where he was dubbed a nonconformist and was persecuted for his religious beliefs, and came to the Massachusetts Bay Colony in America. Along with him came his wife and great wind of change, idealism and freedom. He would be called a troublemaker, because he believed that the royal charter did not justify taking land that belonged to the Native Americans and declared that people should not be punished for religious differences. In 1664, he published his most famous work, ''The Bloudy Tenent of Persecution'', which upheld his argument for the separation of church and state. In 1657, as president of the Rhode Island colony, he fought to provide refuge for Quakers who had been banished from other colonies, even though he disagreed with their religious teachings.

Today, as a member of Zeta Beta Tau Fraternity, I join my brotherhood in remembering and recognizing Roger Williams as an early champion of democracy and religious freedom. As we struggle against religious intolerance throughout our world, we should look to men, such as Roger Williams, who stood for freedom, in a world of persecution.

I am proud to be a member of the distinguished brotherhood of Zeta Beta Tau Fraternity, a organization of young men who are dedicating this day to the principles of tolerance, understanding, and brotherly love, by remembering Roger Williams.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Tuesday, March 21, 2000, I was unable to cast my floor vote on rollcall numbers 56 and 57. The votes I missed include rollcall vote 56 on Suspending the Rules and Agreeing to H. Con. Res. 288, Recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day; and rollcall vote 57 on Suspending the Rules and Agreeing to H. Res. 182, Expressing the sense of the House of Representatives that the National Park Service should take full advantage of support services offered by the Department of Defense.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 56 and 57.

HONORING 20TH CENTURY WOMEN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in celebration of extraordinary women of the 20th Century. Throughout our history women artists such as Missouri author, Laura Ingalls Wilder, have brought about needed social change in our state and nation. Today, I honor a recording artist From Kennett, Missouri who has maintained strong ties to our state. Sheryl Crow joins a list of Missouri women who have contributed to an extraordinary century of women.

Ms. Crow's parents were big band musicians who encouraged her musical skills at an early age. She began playing the piano around the age of six and composed her first song at age 13. In the 1990's, Sheryl Crow forcefully expressed her thoughts and emotions on social causes such as youth violence, addressed in her platinum album lyrics', ''Watch out sister, Watch out brother/Watch our children as they kill each other/With a gun they brought at the Wal-Mart discount stores'' in her ongoing battle with the discount giant over guns and children. In retribution, Wal-Mart refused to sell her award winning records. A Florida State Supreme Court eventually ruled against Wal-Mart for illegally selling ammunition to minors who used the bullets to kill a Pensacola man.

Ms. Crow's music encompasses her personal experience and her passionately held beliefs to electrify audiences. Inspired by the likes of Walt Whitman and Bob Dylan. Sheryl Crow has influenced a generation of women to artistry and activism. Her ability to span generations and musical tastes has led Ms. Crow to be one of the most sought after musicians of our time. Her reputation for taking risks is demonstrated by her professional and personal courage to make mistakes and to achieve success. Her song, ''My Favorite Mistake,'' reminds us that we must all have the courage to take risks in order to create something worthwhile.

In 1994 Sheryl Crow won Gammy Awards for Best New Artist, Record of the Year, and Best Female Pop Vocal Performance for her hit ''All I Wanna Do.'' Two years later, the singer/songwriter won Grammys for Best Rock Album and Best Female Rock Vocal Performance for the song, ''If It Makes You Happy.'' Her 1998 double platinum album, ''The Globe Sessions'' was named Best Rock Album at the 1999 Grammy Awards. Her latest effort,

"Sweet Child O' Mine," received the 2000 Grammy for Best Female Rock Vocal Performance. Her peers in the music industry and her many dedicated fans have recognized Ms. Crow as a gifted musician and a woman empowered to inspire others.

Sheryl Crow cares passionately about eliminating the use of land mines, as demonstrated by here recent efforts in Southeast Asia on behalf of the victims of such weapons of war. The artist has journeyed to Capitol Hill in support of debt relief for the world's most impoverished nations. Ms. Crow has been an outspoken advocate of women's rights and has highlighted her concerns about youth violence issues in songs such as "Love is a Good Thing." I share her belief that one of the most effective ways of reducing youth violence in our culture is to support arts education in schools.

Ms. Crow exemplifies the positive value of artistic expression. I salute Sheryl Crow for being an inspiration as an artist and advocate. Her efforts to make the world a better place will continue to contribute to a better future in the new millennium. "For all you wanna do," Sheryl Crow, Missouri women thank you for your artistry, advocacy, your commitment to the Campaign for a Landmine Free World and a better life for our children.

COMMENDING THE WISCONSIN HISPANIC CHAMBER OF COMMERCE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KLECZKA. Mr. Speaker, I would like to take this opportunity to commend the Wisconsin Hispanic Chamber of Commerce, which I'm proud to say is located in my district, for the outstanding job it has done to help Milwaukee's Hispanic community thrive. I would like to especially note the work of one of its leaders, Maria Monreal-Cameron, President of the Chamber. Her ceaseless energy and countless efforts on behalf of the Hispanic community in Milwaukee serve as a model to all those concerned with the improvement of civil life. The following is an article extolling Ms. Monreal-Cameron's efforts from the March 16th issue of The Wall Street Journal that I would like to submit for inclusion in the RECORD.

[From the Wall Street Journal, Mar. 16, 2000]

IN THE LAND OF BRATWURST, A NEW HISPANIC BOOM

IN A BIG POPULATION SHIFT, LATINO IMMIGRANTS FLOCK TO TOWNS IN THE MIDWEST

(By Paulette Thomas)

Milwaukee—Better known for beer and bratwurst, this city has dozens of Mexican restaurants and watering holes stretching block after block of low-slung buildings on the Hispanic south side.

Groceries distribute not one but three local Hispanic newspapers. A Yellow Pages for Hispanic businesses runs to 300 pages. Last year, Hispanic magazine rated Milwaukee the seventh-best city in America for Hispanics.

Milwaukee?

Hispanic immigrants and their descendants are fanning out and settling into Midwestern towns, far from the border regions and metropolitan centers more renowned as Latino hubs. "Vision Latina" began publishing last year for Nebraska Hispanics. Kansas City, Mo., and Cleveland have thriving Hispanic communities.

While about 60% of the U.S. Hispanic population, 18 million people, live in 10 major metropolitan areas, about 13 million Hispanics reside in second-tier cities across the U.S. Though little noticed, "that dispersal is one of the big stories of the 1990s," says Michael Fix, director of immigration studies for the Urban Institute, a Washington, D.C., think tank.

Many immigrants find second-tier cities more hospitable to newcomers than bigger cities, with affordable homes, decent public schools and job opportunities, particularly in Midwestern meatpacking plants, factories and foundries.

Once a family gets a foothold, others follow. That migration, dating back to the 1930s, has created a pool of Hispanics that represents about 4% of the Milwaukee population, leaving a deep imprint on the shores of Lake Michigan.

Across Wisconsin, the Hispanic population has tripled since 1980, to 185,000. "Milwaukee feels like home," says Gianfranco Tessaro, who moved from Peru to Milwaukee in 1981, following a brother, who met him at the airport with a pair of thick-soled shoes for the snow. Like most of the new Hispanic arrivals, Mr. Tessaro quickly found a low-skilled job. He started in a sheet-metal factory, cleaning and doing odd jobs. Since then, he married a Midwesterner, raised two sons, and now owns his own business, Inspired Artisans Ltd., which sells liturgical art and renovates churches.

Isolation of the first Hispanic Midwesterners has turned into community: "When I grew up in Boulder, there was one other Hispanic family," says Loren Aragon, who is 33. Today, Mr. Aragon lives in Milwaukee and works for his brother's thriving firm, Site Temporaries Inc., which places temporary workers, nearly all Puerto Rican immigrants, in light industrial jobs. About 600 a week pile into buses, along with translators on staff, who help pave the way. He supplies companies with lists of Spanish translations for words such as "breakroom" or "restroom," if they like.

With Wisconsin unemployment hovering around 3%, the foundries and factories of Milwaukee—home of Harley-Davidson Inc., Quad Graphics and a large J.C. Penney Co. distribution center—have given an especially warm welcome to the Hispanic workers. When Allen Edmonds Shoe Corp. couldn't fill jobs at its factory in northern Ozaukee County, it moved some of its operations to a facility on the south side of Milwaukee. Now, nearly all of its employees there are Hispanic, and most walk to their jobs. Strolling out after Friday's regular short shift, manager Sue Samson describes turnover at the facility in one word: "None."

A wariness of government has kept many Hispanics underground and without political voice. Hispanic leaders believe the census bureau has woefully undercounted the number of Hispanics in Milwaukee. Only 7% of the registered Hispanics voted in the past general election. Milwaukee has elected only two Hispanics to public office, Circuit Judge Elsa Lamelas and State Rep. Pedro Colon. Without a unified voice, Mr. Colon warned in a recent speech, "The south side will continue to decay."

Often a community is galvanized by a single energetic force, and in Milwaukee's Hispanic quarters it is 54-year-old Maria Monreal-Cameron. Presiding from a cluttered office in an incubator of mostly Hispanic businesses, a floor below Allen Edmonds, she is nominally the president of the Wisconsin Hispanic Chamber of Commerce, but her mission is to advance Hispanic people through every means she knows.

As a child in Wisconsin, Ms. Monreal-Cameron often woke up to find strangers huddled under blankets on her living room floor. They were families from Mexico and Puerto Rico, journeying for work in the factories of Milwaukee. Her parents, Mexican immigrants themselves, never turned away the new arrivals.

As an adult, she began joining local community boards when her youngest of six children was grown. She now is active on 18, often the first Hispanic representative.

She plays matchmaker with banks and businesses, acts as informal adviser to local entrepreneurs, and presses her political contacts for improvements on the south side. She successfully took on the political establishment in a fight to upgrade the Sixth Street Viaduct, a ratty-looking 99-year-old bridge over the channel and industrial section that separates the Hispanic south side from Milwaukee's downtown. "It's the gateway to our community," she says.

She also helped secure government grants for the incubator, the Milwaukee Enterprise Center, with 25 small firms, mostly Hispanic. Their numbers include people like Roberto Fuentez, a former migrant worker who now has a small machine tooling shop. "This is something that doesn't take a lot of education, but you need some training," he says, sauntering past his machines.

Adalberto Olivares, a local Vietnam veteran, wanted to start a trucking business on a small loan from a former employer. "Al was leasing one truck," she says. "I said, 'You know what? Let's get going here, let's make it happen.'" She persuaded him to move his business into the incubator, and helped him get financing. He now has a fleet of 23 trucks, 12 of which are owner-operated.

Ms. Monreal-Cameron rolls her eyes at the inevitable stereotyping she encounters. A human-resources person from a local hotel called Ms. Monreal-Cameron blurting, "I need housemaids." Ms. Monreal-Cameron responded that the chamber isn't a placement service, but she knew several executives who would be fine human-resource candidates. "She hung up on me," Ms. Monreal-Cameron says.

THE NEW MELTING POT—RANKED BY PERCENTAGE INCREASE OF IMMIGRANTS FROM 1995 TO 1999 [1]

State	Growth
1. North Carolina	73
2. Nevada	60
3. Kansas	54
4. Indiana	50
5. Minnesota	43
6. Virginia	40
7. Maryland	39
8. Arizona	35
9. Utah	31
10. Oregon	26

[1] For states with a foreign-born population of at least 50,000 in 1995. Source: Urban Institute

RESTORING SANITY TO FEDERAL BUDGET PRIORITIES

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. DEFAZIO. Mr. Speaker, I would like to bring to my colleagues' attention and submit for the RECORD an opinion piece included in the March 22, 2000, edition of the Washington Post. It was written by Doug Bandow, a Senior

Fellow at the CATO Institute and former special assistant to President Reagan. The article makes a persuasive case for reducing the Pentagon budget and deflates the over-heated rhetoric of my colleagues about the need for over $300 billion in military spending. As Mr. Bandow writes, ''To suggest that America is weak, let alone as weak as before Pearl Harbor, is nonsense.''

Fortunately, there is an alternative. The Congressional Progressive Caucus budget proposal I offered makes sensible, realistic reductions in the Pentagon budget in order to more adequately fund education, health care, housing, veterans, nutrition and social service programs. Budgets are about priorities. Unfortunately, as this opinion piece from a former Reagan Administration official makes clear, our current budget priorities are ''nonsense.''

[From the Washington Post, Mar. 22, 2000]

SCALING DOWN IN A SAFER WORLD

(By Doug Bandow)

In political debates, America is often portrayed as a beleaguered isle of freedom in a world threatened with a new Dark Ages. Yet the truth is that the United States is safer today than it has been at any time in the past half-century. It's time for Washington to cut military outlays sharply.

While Al Gore and Bill Bradley were sparring over health care in the primary campaigns, the leading Republican candidates pushed to ''strengthen'' the military. For instance, Texas Gov. George W. Bush complains that ''not since the years before Pearl Harbor has our investment in national defense been so low as a percentage of GNP.'' Sen. John McCain (R-Ariz.) sounded like an echo when he warned that ''the last time we spent so little on defense was 1940—the year before Pearl Harbor.''

Even more apocalyptic is conservative radio personality Rush Limbaugh, who warns that ''we cannot survive more liberalism'' at home or abroad. After all, he explains, ''the world is far more dangerous than the day Ronald Reagan left office.''

It is unclear, however, in what world they believe Americans to be living.

True, the percentage of GNP devoted to defense, about 3.2 percent, is lower than at any time since before World War II. Although that number fell to 3.5 percent in 1948, it climbed sharply with the onset of the Cold War and the very hot Korean War. One must go back to 1940, when military outlays ran about 1.7 percent of GNP, to find a lower ratio.

But so what? America's GNP then was $96.5 billion, or about $1.2 trillion in today's dollars. That compares with a GNP of more than $8.7 trillion in 1999. In short, one percent of GNP today means eight times as much spending as in 1940.

Moreover, the United States was a military pygmy in 1940, with just 458,000 men under arms, up from around 250,000 during the mid-1920s through 1930s. America lagged well behind Britain, China, France, Germany, Japan, Russia—and even Italy.

Today Washington dominates the globe. It accounts for more than a third of the globe's defense outlays. It possesses the strongest military on earth: a well-trained force of 1.4 million employing the most advanced weapons. The United States spends as much on the military as the next seven nations combined, five of which are close allies.

In short, to suggest that America is weak, let alone as weak as before Pearl Harbor, is nonsense.

No less silly is the contention that the United States faces greater threats today than a decade ago. The world is messy, yes, and the end of the Cold War unleashed a series of small conflicts in the Balkans. But most of the globe's nasty little wars—such as in Angola, Kashmir, Sri Lanka and Sudan—began well before 1989. And none of these conflicts threatens the United States as did the struggle with the Soviet Union.

Moreover, virtually every pairing today favors America's friends. The Europeans spend more on the military than does Russia; Japan's outlays exceed those of China; South Korea vastly outspends North Korea. America's implacable enemies are few and pitiful: Cuba, Iran, Iraq, Libya, North Korea and Serbia collectively spend $12 billion to $13 billion on the military, less than such U.S. Allies as Israel and Taiwan.

A decade ago was not so rosy. Not only did the Soviet Union spend more than twice as much as does Russia, but it formally confronted America. The Warsaw Pact states spent as much as NATO's eight smallest members. Heavily militarized Third World communist nations such as Angola, Ethiopia, North Korea and Vietnam, threatened U.S. surrogates. Most important, the American homeland was at risk. Today the possibility of a foreign attack on the United States is a paranoid fantasy.

Except in one form—terrorism. Although foreign governments, facing the threat of massive retaliation, are unlikely to strike America, ethnic, ideological and religious groups might not be so hesitant. But they are unlikely to do so out of abstract hatred of the United States. To the contrary, most acts of violence, such as those perpetrated by Osama bin Laden, are in response to U.S. intervention abroad. Terrorism is the weapon of choice of the relatively powerless against meddling by the globe's sole superpower.

In this case, America's strength, its global pervasive presence, is America's weakness. The solution is not more military spending but greater military caution. The risk of terrorism must be added to the other costs of intervening in foreign quarrels with little relevance to U.S. security.

Should America's military be strengthened? Yes: Problems with readiness, recruiting and retention should be addressed, and missile defenses should be constructed. But outlays could still be slashed by shrinking force levels to match today's more benign threat environment. The world is less, not more dangerous, than a decade ago. America is relatively stronger today than ever before, notwithstanding the misguided claims of Messrs. Bush and McCain.

HONORING THE CONGRESSIONAL AWARD PROGRAM

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. TAUZIN. Mr. Speaker, I urge all my colleagues to join me today in recognizing The Congressional Award and the thousands of young Americans and adult advisors who participate in this truly outstanding youth program. The Congressional Award is our own, United States Congress' own, award program for America's youth. The Congressional Award is a public private partnership created by Congress to promote and recognize achievement, initiative and service in America's youth. The Congressional Award provides a unique opportunity for young people to set and achieve personally challenging goals that build character and foster community service, personal development and citizenship.

A 1986 recipient of The Congressional Award Gold Medal, John M. Falk in commenting on The Congressional Award said the following:

The United States Congress, through the Congressional Award, has made a lasting and positive impact on every young person to receive this Award by simply recognizing and encouraging their service to our communities, their initiative and their unique achievements.

The Congressional Award is a true public private-partnership that is premised upon the very basic concept that by recognizing and encouraging young people to give of themselves to their communities and their neighbors, not only will our communities be better off but so will our young people by the very nature of the experience—hopefully for the rest of their lives.

The power and importance of the Congressional Award draws from the fact that truly any young person willing to accept the challenge can earn the Award. If you speak with a former Award recipient you will quickly learn how their lives have been changed in very positive ways by building self esteem and leadership skills, encouraging initiative and reinforcing the value of service to others. The Congress has every right to be proud of this bipartisan program and the manner in which they have directly enriched the lives of thousands of young Americans since 1979.

On Wednesday, March 22, 2000 The Congressional Award Foundation will hold its Annual Gala at the Ronald Reagan International Trade Center to celebrate 20 years of service and commitment to America's youth. I encourage all of my colleagues to support this program and join in the celebration. In addition, I would add special thanks to our private sector partners who make The Congressional Award possible through their support; they are:

2000 CONGRESSIONAL AWARD GALA STEERING COMMITTEE

Gala Chair

Glaxo Wellcome, Inc.

Gala Co-Chairs

FDX Corporation
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The Williams Company, Inc.

The support of these private sector sponsors has enabled The Congressional Award National Office to create exciting new partnerships with schools and youth organizations across the nation.

Thousands of new participants will enjoy the benefits of participation in the Congress Award thanks to their efforts. I commend them for it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 23, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on DOD policies and programs to combat terrorism.
SR–222

10 a.m.
Governmental Affairs
To hold oversight hearings to examine rising oil prices.
SD–342

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.
SR–253

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Environmental Protection Agency's clean air programs and the Army Corps of Engineers wetlands programs.
SD–406

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on child safety on the Internet.
SD–430

Small Business
To hold hearings to examine the extent of office supply scams, including tonerphoner schemes.
SD–562

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with mind body and alternative medicines.
SD–192

Governmental Affairs
Investigations Subcommittee
To hold oversight hearings to examine settlements between the Health Care Financing Administration (HCFA) and certain Medicare providers and whether these settlements conform to HCFA regulations.
SD–342

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD–192

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine cyber attacks, focusing on removing roadblocks to investigation and information sharing.
SD–226

2:30 p.m.
Foreign Relations
To hold hearings to examine issues dealing with Iran and Iraq, focusing on the future of nonproliferation policy.
SD–419

3 p.m.
Energy and Natural Resources
Foreign Relations
To hold joint hearings to examine United States dependency on foreign oil.
SH–216

MARCH 29

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold oversight hearings to examine the Dr. Peter Lee case.
SD–226

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.
SD–124

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Governmental Affairs
To hold hearings on how to structure government to meet the challenges of the millennium.
SD–342

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD–192

Finance
To resume hearings to examnine the inclusion of a prescription drug benefit in the Medicare program.
SD–215

Governmental Affairs
To hold hearings on meeting the challenges of the millennium, focusing on proposals to increase the efficiency and effectiveness of the Federal Government.
SD–342

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1778, to provide for equal exchanges of land around the Cascade Reservoir, S. 1894, to provide for the conveyance of certain land to Park County, Wyoming, and S. 1969, to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land.
SD–366

Indian Affairs
To hold hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band; S. 1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments; and S. 1509, to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations.
SR–485

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD–138

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.
SD–124

Energy and Natural Resources
To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD–430

10:30 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on the Administration's fiscal year 2001 budget for programs with the Environmental Protection Agency's Office of Solid Waste and Emergency Response.
SD–406

2 p.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine racial profiling within law enforcement agencies.
SD–226

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the President's October 1999 announcement to review approximately 40 million acres of national forest lands for increased protection.
SD–366

MARCH 31

9:30 a.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold oversight hearings to examine the Department of Energy's findings at the Gaseous Diffusion Plant in Paducah, Kentucky, and plans for cleanup at the site.
SD–366

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.
SD–192

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.
SD–138

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.
SD–366

APRIL 8

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 11

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.
SD–138

10 a.m.
Energy and Natural Resources
To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.
SH–216

APRIL 12

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.
SD–138

Indian Affairs
To hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.
SD–192

APRIL 13

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.
SD–138

Energy and Natural Resources
To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.
SH–216

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.
SD–366

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

Daily Digest

HIGHLIGHTS

Senate passed Social Security Earnings Test Elimination bill.

Senate

Chamber Action

Routine Proceedings, pages S1533–S1617

Measures Introduced: Eleven bills were introduced, as follows: S. 2266–2276. **Page S1596**

Measures Reported: Reports were made as follows:

Report to accompany S. 2251, to amend the Federal Crop Insurance Act to improve crop insurance coverage, and to provide agriculture producers with choices to manage risk. (S. Rept. No. 106–247)

S. 1629, to provide for the exchange of certain land in the State of Oregon, with an amendment in the nature of a substitute. (S. Rept. No. 106–248) **Page S1596**

Measures Passed:

Social Security Earnings Test Elimination: By a unanimous vote of 100 yeas (Vote No. 42), Senate passed H.R. 5, to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, as previously amended. **Pages S1533–41**

Federal Crop Insurance Act Amendments: Senate began consideration of S. 2251, to amend the Federal Crop Insurance Act to improve crop insurance coverage, and to provide agriculture producers with choices to manage risk, taking action on the following amendments proposed thereto: **Pages S1563–82**

Adopted:

Lugar/Harkin Modified Amendment No. 2887, to strengthen and make certain improvements to Federal Crop Insurance Act provisions. **Pages S1564, S1573–76**

Pending:

Wellstone Amendment No. 2888, to express the sense of Congress regarding the Rally for Rural America and the rural crisis. **Pages S1566–71**

A unanimous-consent agreement was reached providing that following third reading of the bill, the Senate proceed to the House companion bill, H.R. 2559, strike all after the enacting clause, and insert the text of S. 2251, as amended, the House bill be advanced to third reading and passage occur, all without any intervening action or debate. Further, the Senate insist on its amendment, and request a conference with the House thereon. **Page S1564**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, March 23, 2000, with a vote on the Wellstone Amendment No. 2888 (listed above), to occur at 11 a.m., followed by a vote on final passage of H.R. 2559, House companion measure. **Page S1582**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the combined annual reports of the National Science Foundation for fiscal years 1996–1997 and the annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions. (PM–94) **Page S1591**

Transmitting the 1998 annual report of the National Endowment for the Humanities; to the Committee on Health, Education, Labor, and Pensions. (PM–95) **Pages S1591–92**

Nominations Received: Senate received the following nominations:

Bruce Sundlun, of Rhode Island, to be a Member of the National Security Education Board for a term of four years.

Nuria I. Fernandez, of Illinois, to be Federal Transit Administrator.

Lawrence George Rossin, of California, to be Ambassador to the Republic of Croatia.

John A. White, Jr., of Arkansas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development. (New Position) **Page S1617**

Messages From the President: **Pages S1591–92**

Messages From the House: Page S1592
Measures Referred: Page S1592
Measures Placed on Calendar: Page S1592
Measures Read First Time: Page S1592
Communications: Pages S1592–95
Petitions: Pages S1595–96
Statements on Introduced Bills: Pages S1596–S1610
Additional Cosponsors: Pages S1610–12
Amendments Submitted: Pages S1612–15
Authority for Committees: Pages S1615–16
Additional Statements: Pages S1589–91

Record Votes: One record vote was taken today. (Total—42) Page S1540

Adjournment: Senate convened at 9:45 a.m., and adjourned at 6:18 p.m., until 9:30 a.m., on Thursday, March 23, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1617.)

Committee Meetings

(Committees not listed did not meet)

CABIN USER FEE FAIRNESS

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded hearings on S. 1938, to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, after receiving testimony from Paul Brouha, Associate Deputy Chief, National Forest System, Forest Service, Department of Agriculture; David R. Mead, Sawtooth Forest Cabin Owners' Association, Twin Falls, Idaho; Mary Clarke Ver Hoef, National Forest Homeowners, Sacramento, California; Paul R. Allman, American Land Rights Association, and Richard M. Betts, Betts and Associates, both of Berkeley, California; and Joe Corlett, Mountain States Appraisal and Consulting, Inc., Boise, Idaho.

APPROPRIATIONS—FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2001 for the Forest Service, Department of Agriculture, after receiving testimony from James Lyons, Under Secretary for Natural Resources and Environment, and Mike Dombeck, Chief, Forest Service, both of the Department of Agriculture.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland concluded hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on tactical aviation, after receiving testimony from H. Lee Buchanan, Assistant Secretary of the Navy for Research, Development and Acquisition; Lawrence J. Delaney, Assistant Secretary of the Air Force for Acquisition; and Philip E. Coyle, III, Director, Operational Test and Evaluation, Department of Defense.

ELECTRONIC AND EQUITY FINANCIAL MARKETS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities concluded hearings to examine electronic communications networks and brokerage firms efforts to meet investors' needs in the equity financial marketplace of the future, after receiving testimony from J. Joe Ricketts, Ameritrade Holding Corporation, Omaha, Nebraska; Matthew Andresen, Island ECN, and Kevin Foley, Bloomberg Tradebook, both of New York, New York; David G. Downey, Interactive Brokers, and Gerald Putnam, Archipelago, both of Chicago, Illinois; and John M. Schaible, NexTrade Holdings, Inc., Clearwater, Florida.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission, after the nominee, who was introduced by Senators Sarbanes and Mikulski, testified and answered questions in her own behalf.

NASA MANAGEMENT

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space held hearings to examine recent program and management issues at the National Aeronautics and Space Administration, receiving testimony from Daniel S. Goldin, Administrator, Harry McDonald, Director, Ames Research Center, Tony Spear, Task Leader, and Arthur G. Stephenson, Director, George C. Marshall Space Flight Center, all of NASA; and Allen Li, Associate Director, Defense Acquisitions Issues, National Security and International Affairs Division, General Accounting Office.

Hearings recessed subject to call.

WATER AND POWER

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings

on H.R. 862, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District, H.R. 992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, S. 2091 and H.R. 3077, bills to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project, and S. 1659, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts, after receiving testimony from Representatives Herger, Doolittle, George Miller, and Dooley; Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; Walter P. McNeill, Clear Creek Community Services District, Anderson, California; Walter J. Bishop, Contra Costa Water District, Concord, California; Steven Malloch, Trout Unlimited, Inc., Arlington, Virginia; Daniel G. Nelson, San Luis and Delta-Mendota Water Authority, Los Banos, California; and Jerry Nypen, Lower Yellowstone Irrigation Projects, Sidney, Montana.

MEDICARE REFORM: PRESCRIPTION DRUG COVERAGE

Committee on Finance: Committee resumed hearings to examine the inclusion of a prescription drug benefit in the Medicare program, focusing on current and supplemental drug coverage, beneficiary income spending, benefit design, and cost controls, receiving testimony from Jennifer O'Sullivan, Specialist in Social Legislation, Congressional Research Service, Library of Congress; William J. Scanlon, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; Edwin C. Hustead, Hay Group, on behalf of the Congressional Research Service, Alan F. Holmer, Pharmaceutical Research and Manufacturers of America, Charles N. Kahn, III, Health Insurance Association of America, and Deborah Briceland-Betts, Older Women's League, all of Washington, D.C.; and Alan B. Levin, Happy Harry's, Inc., Newark, Delaware, on behalf of the National Association of Chain Drug Stores.

Hearings continue on Tuesday, March 28.

IRAQ

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs held hearings to examine the impact of United Nations sanctions and United States policy on Iraq, focusing on the proposed United Nations Resolution 1284 which re-affirms that Iraq has not fulfilled its obligation under previous Security Council resolutions to declare and destroy its weapons of mass destruction, receiving testimony from Edward S. Walker, Assistant Secretary of State for Near Eastern Affairs; Gary Milhollin, Wisconsin Project on Nuclear Arms Control, and Paul Leventhal, Nuclear Control Institute, both of Washington, D.C.; and Charles Duelfer, UNSCOM, New York, New York.

DOE GASEOUS DIFFUSION PLANTS

Committee on Governmental Affairs: Committee concluded oversight hearings on the Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Piketon, Ohio, after receiving testimony from David Michaels, Assistant Secretary of Energy for Environment, Safety and Health; Jeffery B. Walburn, Portsmouth Gaseous Diffusion Plant, Greenup, Kentucky; Steven B. Markowitz, City University of New York Queens College Center for the Biology of Natural Systems, Flushing, New York; Vikki Hatfield, Kingston, Tennessee; Ann H. Orick, Knoxville, Tennessee; and Sam Ray, Lucasville, Ohio.

ANTITRUST ENFORCEMENT

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded oversight hearings on certain antitrust enforcement issues, after receiving testimony from Robert Pitofsky, Chairman, Federal Trade Commission; and Joel I. Klein, Assistant Attorney General, Antitrust Division, Department of Justice.

CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee held hearings to examine certain constitutional issues surrounding campaign finance reform, including certain contributions made to a political party that do not come within the current limits and restrictions imposed by the Federal Election Campaign Act, and "phony issue ads", receiving testimony from Ira Glasser, American Civil Liberties Union, and Deborah Goldberg, NYU School of Law Brennan Center for Justice, both of New York, New York; Joel M. Gora, Brooklyn Law School, Brooklyn, New York; Kathleen M. Sullivan, Stanford University Law School, Stanford, California; Lillian R. BeVier, University of Virginia School of Law, Charlottesville;

and Alan B. Morrison, Public Citizen Litigation Group, Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease, with an amendment in the nature of a substitute; and

S. 1586, to reduce the fractionated ownership of Indian Lands, with an amendment in the nature of a substitute.

NOMINATION

Committee on Indian Affairs: Committee concluded hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior, after the nominee, who was introduced by Senator Kyl, testified and answered questions in his own behalf. Testimony was also received from Charles Tillman, Inter-Tribal Monitoring Association, Albuquerque, New Mexico.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 16 public bills, H.R. 4051–4066, and 1 resolution, H. Con. Res. 292, were introduced. **Pages H1283–84**

Reports Filed: Reports were filed today as follows:

H. Con. Res. 89, recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage (H. Rept. 106–534) and

[H. Res. 446, providing for consideration of H. Con. Res. 290, Budget Resolution for Fiscal Year 2001 (H. Rept. 106–535)] **Page H1283**

Guest Chaplain: The Prayer was offered by the guest Chaplain, Rev. Elizabeth C. Sisco of Levelland, Texas. **Page H1175**

Journal: Agreed to the Speaker's approval of the Journal of Tuesday, March 21, by a yea and nay vote of 352 yeas to 49 nays with one voting "present", Roll No. 58. **Pages H1177–78**

Nuclear Waste Policy Amendments Act of 2000: The House passed S. 1287, to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository by a recorded vote of 253 ayes to 167 noes, Roll No. 63—clearing the measure for the President. **Pages H1183–H1200**

Rejected the Berkley motion to commit the bill to the Committee on Commerce with instructions that the Committee hold hearings on the bill by a yea and nay vote of 188 yeas to 233 nays, Roll No. 62. **Pages H1197–99**

Representative Gibbons made a point of order against consideration of the bill pursuant to section 425(a) of the Congressional Budget Act of 1974 dealing with unfunded mandates. Subsequently the House voted to consider the bill by yea and nay vote of 206 yeas to 205 nays, Roll No. 61. **Pages H1187–89**

H. Res. 444, the rule that provided for consideration of the bill was agreed to by a recorded vote of 220 ayes to 191 noes, Roll No. 60. Agreed to order the previous question by a yea and nay vote of 219 yeas to 195 nays, Roll No. 59. **Pages H1178–83**

Oil Price Reduction Act of 2000: The House passed H.R. 3822, to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy by a yea and nay vote of 382 yeas to 38 nays with one voting "present", Roll No. 65. **Pages H1218–46**

Rejected the Gejdenson motion to recommit the bill to the Committee on International Relations with instructions to consider effective measures that reduce the high oil prices on the international market created by the Organization of Petroleum Exporting Countries (OPEC) and report it back with amendments containing such effective measures. **Pages H1245–46**

Agreed to the Committee on International Relations amendment in the nature of a substitute now printed in the bill, modified by striking subsection 6(c), and made in order by the rule. **Page H1245**

Points of order sustained against:

DeFazio amendment No. 8, printed in the Congressional Record that sought to suspend the exports of Alaskan oil; **Pages H1231–32**

Dingell amendment No. 9, printed in the Congressional Record that sought to reauthorize the Energy Policy and Conservation Act; **Pages H1232–33**

Amendments Withdrawn:

Traficant amendment No. 21, printed in the Congressional Record, was offered but subsequently withdrawn that sought to impose a civil penalty for unreasonable price increase for crude oil, residual fuel oil, or refined petroleum products; **Page H1234**

Traficant amendment No. 22, printed in the Congressional Record, was offered but subsequently withdrawn that sought to impose a civil penalty for unreasonable price increase for crude oil, residual fuel oil, or refined petroleum products; **Pages H1234–35**

Traficant amendment No. 23, printed in the Congressional Record, was offered but subsequently withdrawn that sought to impose a civil penalty for unreasonable price increase for crude oil, residual fuel oil, or refined petroleum products; **Page H1235**

Gary Miller of California amendment No. 12, printed in the Congressional Record was offered but subsequently withdrawn that sought to require a report from the Secretary of the Energy and Administrator of the Environmental Protection Agency on the means of protecting the national security of the United States by increasing domestic oil production without harming the environment; **Pages H1235–36**

Bachus amendment No. 4, printed in the Congressional Record was offered but subsequently withdrawn that sought to deny financial assistance from international financial institutions for oil exporting countries engaged in price fixing; **Page H1236**

Thurman amendment No. 20, printed in the Congressional Record was offered but subsequently withdrawn that sought to create a tax credit for energy-efficient property used in business; and

Pages H1236–42

Baldacci amendment No. 5, printed in the Congressional Record was offered but subsequently withdrawn that sought to create a tax credit for energy efficiency improvements to existing homes.

Pages H1242–43

H. Res. 445, the rule that provided for consideration of the bill was agreed to by voice vote. Earlier, agreed to order the previous question by a yea and nay vote of 222 yeas to 200 nays, Roll No. 64.

Pages H1200–18

Presidential Messages: Read the following messages from the President:

National Science Foundation: Read a message wherein he transmitted the annual reports of the National Science Foundation for 1996–1997, and 1998—referred to the Committee on Science; and

Page H1246

National Endowment for the Humanities: Read a message wherein he transmitted the annual report of the National Endowment for the Humanities for 1998—referred to the Committee on Education and the Workforce. **Page H1247**

Recess: The House recessed at 11:37 p.m. and reconvened at 3:17 a.m. on March 23. **Page H1282**

Senate Messages: Message received from the Senate today appears on page H1175.

Referral: S. Con. Res. 97 was referred to the Committee on Commerce. **Page H1282**

Quorum Calls—Votes: Six yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H1177–78, H1181–82, H1182–83, H1188–89, H1199, H1199–H1200, H1218, and H1246. There were no quorum calls.

Adjournment: The House met at 10:30 p.m. and adjourned at 3:18 a.m. on Thursday, March, 23.

Committee Meetings

U.S. GRAIN STANDARDS ACT REAUTHORIZATION

Committee on Agriculture: Subcommittee on General Farm Commodities, Resource Conservation, and Credit held a hearing to review the reauthorization of the United States Grain Standards Act. Testimony was heard from James R. Baker, Administrator, Grain Inspection, Packers and Stockyards Administration, USDA; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Rural Development. Testimony was heard from the following officials of the USDA: Jill Long-Thompson, Under Secretary, Rural Development; Christopher A. McLean, Administrator, Rural Utilities Service; James C. Kearney, Administrator, Rural Housing Service; Dayton J. Watkins, Administrator, Rural Business-Cooperative Service; and Stephen B. Dewhurst, Budget Officer.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary, held a hearing on Federal Judiciary and on Immigration and Naturalization Service. Testimony was heard from John G. Heyburn, Judge, U.S. District Court, Kentucky; Robert C. Broomfield, Judge, U.S. District Court, Arizona; Leonidas Ralph Mecham, Director, Administrative Office of the Courts; and Fern M. Smith, Judge, U.S. District Court, California, Director, Federal Judicial Center.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense, met in executive session to hold a hearing on Fiscal Year 2001 Intelligence Budget. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Michael V. Hayden, USAF, Director, National Security Agency; Lt. Gen. James C. King, USA, Director, National Imagery and Mapping Agency; and Keith Hall, Director, National Reconnaissance Office; and the following officials of the CIA: George J. Tenet, Director; and Joan A. Dempsey, Deputy Director, Community Management.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Presidio Trust and on Department of Energy—Energy Information Administration. Testimony was heard from James E. Meadows, Executive Director, Presidio Trust; and Jay E. Hakes, Administrator, Energy Information Administration, Department of Energy.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, held a hearing on Pension Agencies; Bureau of Labor Statistics and the Secretary of Labor. Testimony was heard

from the following officials of the Department of Labor: Alexis Herman, Secretary; Katherine G. Abraham, Bureau of Labor Statistics; and Alan D. Lebowitz, Deputy Assistant Secretary, Program Operations, Pension and Welfare Benefits Administration; and David M. Strauss, Executive Director, Pension Benefit Guaranty Corporation; .

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on Aviation. Testimony was heard from Jim Hall, Chairman, National Transportation Safety Board; and the following officials of the Department of Transportation: Kenneth M. Mead, Inspector General; and Jane F. Garvey, Administrator, FAA.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on Federal Election Commission. Testimony was heard from the following officials of the Federal Election Commission: Darryl R. Wold, Chairman; and Danny L. McDonald, Vice Chairman.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies, held a hearing on the Secretary of Veterans Affairs. Testimony was heard from Togo West, Secretary of Veterans Affairs.

DEFENSE AUTHORIZATION

Committee on Armed Services: Continued hearings on the Fiscal year 2001 National Defense authorization budget request. Testimony was heard from the following officials of the Department of Defense: Louis Caldera, Secretary of the Army; Richard Danzig, Secretary of the Navy; and F. Whitten Peters, Secretary of the Air Force.

HOUSING FINANCE REGULATORY IMPROVEMENT ACT

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities, and Government Sponsored Enterprises held a hearing on improving the regulation of the housing Government Sponsored Enterprises, focusing on H.R. 3703, Housing Finance Regulatory Improvement Act. Testimony was heard from Gary Gensler, Under Secretary, Domestic Finance, Department of the Treasury; the following officials of the Department of Housing and Urban Development: William Apgar, Assistant Secretary, Housing; and Armando Falcon, Director, Office of Federal Housing Enterprise Oversight; and Bruce A. Morrision, Chairman, Federal Housing Finance Board.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Energy and Power held a hearing on the following bills: H.R. 3383, to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions; H.R. 3906, to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security; and H.R. 3907, External Regulation of the Department of Energy Act. Testimony was heard from Mary Anne Sullivan, General Counsel, Department of Energy; Richard A. Meserve, Chairman, NRC; Jerrold R. Mande, Deputy Assistant Secretary, Labor, Occupational Safety and Health Administration, Department of Labor; John T. Conway, Chairman, Defense Nuclear Facilities Safety Board; Gary Jones, Associate Director, Energy, Resources, and Science Issues, GAO; Charles V. Shank, Director, Lawrence Berkeley National Laboratory; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Government Reform: Subcommittee on Civil Service approved for full Committee action, as amended, the following bills: H.R. 4040, Long-Term Care Security Act; and H.R. 2842, Federal Employees Health Benefits Children's Equity Act of 1999.

HUD'S FINANCIAL STATEMENTS AUDIT RESULTS

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on "Results of the Department of Housing and Urban Development's Fiscal Year 1999 Financial Statements Audit". Testimony was heard from the following officials of the Department of Housing and Urban Development: Susan Gaffney, Inspector General; and Saul Ramirez, Deputy Secretary.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs and International Relations held a hearing on Combating Terrorism: Coordination of Nonmedical Research and Development Programs. Testimony was heard from Kwai-Cheung Chan, Director, National Security and International Affairs Division, GAO; Carmen J. Spencer, Director, Chemical and Biological Defense, Defense Threat Reduction Agency, Department of Defense;

Page O. Stoutland, Director, Chemical and Biological Nonproliferation Program, Department of Energy; and the following officials of the FBI, Department of Justice: Donald M. Kerr, Assistant Director, FBI Laboratory; and Robert Burnham, Section Chief, Domestic Terrorism-Counter Terrorism Planning.

INTERCOUNTRY ADOPTION ACT

Committee on International Relations: Ordered reported, as amended, H.R. 2909, Intercountry Adoption Act of 1999.

REAFFIRMING U.S. POLICY TOWARD TAIWAN AND THE PEOPLE'S REPUBLIC OF CHINA

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action H. Con. Res. 292, congratulating President-elect Chen Shui-bian and Vice President-elect Annette Lu of Taiwan and reaffirming United States policy toward Taiwan and the People's Republic of China.

EXPORT ADMINISTRATION'S FUTURE

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on the Future of the Export Administration Act-Part 1. Testimony was heard from public witnesses.

FREE MARKET ANTITRUST IMMUNITY REFORM ACT

Committee on the Judiciary: Held a hearing on H.R. 3138, Free Market Antitrust Immunity Reform (FAIR) Act of 1999. Testimony was heard from the following officials of the Federal Maritime Commission: Harold J. Creel, Jr., Chairman; and Delmond J.H. Won, Commissioner; John Nannes, Deputy Assistant Attorney General, Antitrust Division, Department of Justice; and public witnesses.

IMMIGRATION SERVICES AND IMMIGRATION ENFORCEMENT BUREAUS WITHIN JUSTICE DEPARTMENT

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action H.R. 3918, to establish the Bureau of Immigration Services and the Bureau of Immigration Enforcement within the Department of Justice.

CONCURRENT BUDGET RESOLUTION

Committee on Rules: granted, by voice vote, a structured rule providing three hours of general debate on H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour on economic goals and policies equally divided and controlled by Representative Saxton and Representative Stark. The rule waives clause 4(a) of rule XIII (requiring a three-day layover of the committee report) against consideration of the resolution. The rule makes in order the amendment in the nature of a substitute printed in Part A of the Rules Committee report as an original concurrent resolution for the purpose of amendment. The rule waives all points of order against the amendment printed in Part A of the Rules Committee report.

The rule makes in order only those amendments printed in Part B of the Rules Committee report which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The rule waives all points of order against the amendments except that, if an amendment in the nature of a substitute is adopted, it is not in order to consider further substitutes. The rule provides, upon the conclusion of consideration of the concurrent resolution for amendment, for a final period of general debate not to exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The rule permits the Chairman of the Committee on the Budget to offer amendments in the House to achieve mathematical consistency. Finally, the rule suspends the application of House Rule XXIII (relating to the establishment of the statutory limit on the public debt) with respect to the concurrent resolution on the budget for fiscal year 2001. Testimony was heard from Chairman Kasich and Representatives Gekas, Spratt, Thompson, Markey, Holt, Stenholm, Tanner, Clyburn and Tierney.

GOVERNMENT PERFORMANCE AND RESULTS ACT AND LEGISLATIVE PROCESS OF HOUSE COMMITTEES

Committee on Rules: Subcommittee on Rules and Organization held a hearing on the Government Performance and Results Act and the Legislative Process of House Committees. Testimony was heard from Representative Horn; David Walker, Comptroller, GAO; Joshua Gotbaum, Executive Associate Director and Controller, Office of Financial Management, OMB; and a public witness.

EPA'S SLUDGE RULE

Committee on Science: Held a hearing on EPA's Sludge Rule: Closed Minds or Open Debate. Testimony was heard from J. Charles Fox, Assistant Administrator, Office of Water, EPA; and public witnesses.

NASA'S BUDGET REQUEST

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on NASA's Fiscal Year 2001 Budget Request: Life and Microgravity Research. Testimony was heard from Arnauld Nicogossian, Associate Administrator, Office of Life and Microgravity Sciences and Applications, NASA; Richard Hodes, Director, National Institute on Aging, NIH, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, Hazardous Materials, and Pipeline Transportation, approved for full Committee action the following bills: H.R. 3171, amended, National Health Museum Site Selection Act; H.R. 3069, amended, Southeast Federal Center Public-Private Development Act of 2000; H.R. 1359, amended, to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse"; and S. 1567, to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C.B. King United States Courthouse."

PROGRAM DATA QUALITY

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Program Data Quality. Testimony was heard from J. Christopher Mihm, Associate Director, Federal Management and Workforce Issues, GAO; the following officials of the Department of Transportation: Raymond DeCarli, Deputy Inspector General; and Peter Basso, Assistant Secretary, Budget and Programs/Chief Financial Officer; the following officials of the GSA: Eugene L. Waszily, Assistant Inspector General, Auditing; and William C. Piatt, Chief Information Officer; and the following officials of the EPA: Nikki L. Tinsley, Inspector General; and Margaret N. Schneider, Assistant Administrator, Environmental Information.

ADMINISTRATION'S PROPOSALS—WATER RESOURCES DEVELOPMENT ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on the Administration's proposals for a Water Resources Development Act of 2000. Testimony was heard from the following officials of the Department of the Army: Joseph W. Westphal, Assistant Secretary (Civil Works); and Lt. Gen. Joe N. Ballard, USA, Chief of Engineers.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 7, Education Savings and School Excellence Act of 1999.

Joint Meetings

VETERANS PROGRAMS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of certain veterans organizations, after receiving testimony from Raymond G. Boland, Wisconsin Department of Veterans Affairs, Madison, on behalf of the National Association of State Directors of Veteran Affairs; George C. Duggins, Vietnam Veterans of America, Robert F. Norton, Retired Officers Association, and Zack Roberts, American Ex-Prisoners of War, all of Washington, D.C.; and Charles L. Taylor, AMVETS, Lanham, Maryland.

TURKMENISTAN DEMOCRATIZATION

Commission on Security and Cooperation in Europe (Helsinki): On Tuesday, March 21, commission concluded hearings to examine Turkmenistan's prospects for democratization, fair elections, observance of human rights, and how the United States can promote Turkmenistan's observance of the Organization for Security and Cooperation in Europe commitments, after receiving testimony from John Byerle, Principal Deputy to the Ambassador-at-Large and Special Advisor to the Secretary of State for Independent States, and E. Wayne Merry, Atlantic Council of the United States, both of Washington, D.C.; Avdy Kuliev, Turkmen opposition leader in exile, Moscow, Russia; Pyotr Iwaszkiewicz, formerly of the OSCE Office in Ashgabat, Warsaw, Poland; Firuz Kazemzadeh, International Commission of Religious Freedom, Alta Loma, California; and Cassandra Cavanaugh, Human Rights Watch, Helsinki, New York, New York.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 23, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on

proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency, 9:30 a.m., SD–138.

Subcommittee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2001 for the Internal Revenue Service, 10 a.m., SD–124.

Subcommittee on Foreign Operations, to hold hearings to examine the Administration's program in Haiti, 10:30 a.m., SD–192.

Committee on Armed Services: to hold hearings on S.1712, to provide authority to control exports, 9:45 a.m., SR–222.

Subcommittee on Seapower, to hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps' seapower operational capability requirements, 2:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, to hold hearings on Surface Transportation Board's 15 month merger moratorium policy on railroad mergers, 10:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings on the nomination of Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management, Department of the Interior, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold oversight hearings to examine the status of monuments and memorials in and around Washington, D.C., 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water, to resume hearings to examine the Environmental Protection Agency's proposed rules regarding changes in the total maximum daily load and NPDES permit programs pursuant to the Clean Water Act, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine trade with the Peoples' Republic of China and its implications for United States national interests, 9:30 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine India, Pakistan, and North Korea, focusing on nonproliferation policy, 9:30 a.m., SD–419.

Full Committee, business meeting to markup the proposed Technical Assistance, Trade Promotion and Anti-Corruption Act, 2:30 p.m., SD–419.

Committee on Governmental Affairs: business meeting to mark up S. 1993, to reform Government information security by strengthening information security practices throughout the Federal Government; S. 1964, to designate the United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the Joseph Ileto Post Office; H.R. 1374, to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''; and H.R. 3189, to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office'', 10:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health, to hold hearings on health care for the uninsured, focusing on safety net providers, 9:30 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.

Full Committee, to hold hearings on the nomination of David M. Lawson, of Michigan, to be United States District Judge for the Eastern District of Michigan vice Avern Cohn, retired; and the nomination of Richard C. Tallman, of Washington, to be United States Circuit Judge for the Ninth Circuit, 3 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, to consider H.R. 852, Freedom to E-File Act, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and Judiciary, on Drug Enforcement, 10 a.m., on Members of Congress, 2 p.m., H–309 Capitol.

Subcommittee on Defense, on Army budget overview, 9:30 a.m., 2212 Rayburn, and, executive, on Army acquisitions, 1:30 p.m., H–140 Capitol.

Subcommittee on the District of Columbia, on Corrections and Related Activities, 2 p.m., 2362–A Rayburn.

Subcommittee on Energy and Water Development, executive, on Department of Energy—Atomic Energy Defense Activities, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, on National Endowment for the Humanities, 10 a.m., on National Endowment for the Arts, 11 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Employment and Training Administration/Veterans Employment; and Employment Standards Administration, 10 a.m., on Occupational Safety and Health Administration; and Mine Safety and Health Administration, 2 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Office of National Drug Control Policy, 10 a.m., on Executive Office of the President, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on Department of Housing and Urban Development, 9:30 a.m. and 1:30 p.m., 2359 Rayburn.

Committee on Armed Services, hearing on U.S. policy towards Colombia, 9:30 a.m., 2118 Rayburn.

Committee on Banking and Financial Services, hearing on International Financial Architecture, 9:30 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, hearing on Patient Access to Self-injectable Prescription Drugs in the Medicare Program, 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to mark up the following bills: H.R. 3615, Rural Local Broadcast Signal Act; H.R. 3113, Unsolicited Electronic Mail Act of 1999; and H.R. 3439, Radio Broadcasting Preservation Act of 1999, 10 a.m., 21123 Rayburn.

Committee on Government Reform, hearing on "Missing White House E-Mails: Mismanagement of Subpoenaed Records", 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up the following measures: H. Con. Res. 292, congratulating President-elect Chen Shui-bian and Vice President-elect Annette Lu of Taiwan and reaffirming United States policy toward Taiwan and the People's Republic of China; and H.R. 3707, American Institute in Taiwan Facilities Enhancement Act; followed by a hearing on U.S. Policy Toward Iraq, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.J. Res. 9, proposing an amendment to the Constitution of the United States to allow an item veto of appropriation bills, 10 a.m., 2237 Rayburn.

Subcommittee on Courts and Intellectual Property, to mark up the following bills: H.R. 4034, United States and Trademark Office Reauthorization Act; and H.R. 2100, Antitampering Act of 1999, 2 p.m., B–352 Rayburn.

Subcommittee on Crime, hearing on the following bills: H.R. 2810, Violent Offender DNA Identification Act; H.R. 3087, DNA Backlog Elimination Act; and H.R. 3375, Convicted Offender DNA Index System Support Act, 2 p.m., 2226 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following bills: H.R. 2090, Exploration of the Seas Act; and H.R. 3919, Coral Reef Conservation and Restoration Partnership Act of 2000; followed by an oversight hearing on the Fiscal Year 2001 budget recommendations for the U.S. Fish and Wildlife Service, 10 a.m., 1334 Longworth.

Subcommittee on Forests and Forest Health, hearing on H.R. 3327, Cabin User Fee Fairness Act of 1999, 2 p.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, to mark up the following bills: H.R. 1500, Americas' Wilderness Protection Act; H.R. 1509, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; H.R. 1864, Public Hearing Standardization Act of 1999; H.R. 2932, Golden Spike/Crossroads of the West National Heritage Area Act of 1999; H.R. 3293, to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; and H.R. 3605, San Rafael Western Legacy District and National Conservation Act, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy and Environment, hearing on Fiscal Year 2001 Budget Authorization Request: Environmental Protection Agency Science and Technology Budget, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: H.R. 3069, Southeast Federal Center Public-Private Development Act of 2000; H.R. 3171, National Health Museum Site Selection Act; H.R. 1359, to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse"; S. 1567, to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C.B. King United States Courthouse"; reinstatement of selected reports required from Federal agencies; and other pending business, 9:30 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, hearing on GSA's Fiscal Year 2001 Capital Investment Programs, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the Department of Veterans Affairs obligation to assist veterans in filing claims for benefits, and H.R. 3193, Duty to Assist Veterans Act of 1999, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Child Protection Issues, 1 p.m., B–318 Rayburn.

Subcommittee on Social Security, hearing on Work Incentives for Blind and Disabled Social Security Beneficiaries, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on National Security Agency Legal Authorities, 1 p.m., followed by, executive, hearing on Consolidated Cryptologic Program, 2 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings on the impact of organized crime and corruption on democratic and economic reform, 2:30 p.m., SR–485.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, March 23

Senate Chamber

Program for Thursday: After the recognition of certain Senators for speeches, and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 2251, Federal Crop Insurance Act Amendments, with a vote on Wellstone Amendment No. 2888; following which, Senate will vote on final passage of H.R. 2559, House companion measure. Also, Senate may consider any other cleared legislative or executive business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, March 23

House Chamber

Program for Thursday: Consideration of H. Con. Res. 290, Budget Resolution for Fiscal Year 2001 (Structured rule, three hours of debate).

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