United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, APRIL 11, 2000 No. 45

House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Ms. GRANGER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 11, 2000.

I hereby appoint the Honorable KAY GRANGER to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS) for 5 minutes.

IN RECOGNITION OF LIFE AND SERVICE OF ABNER WOODRUFF SIBAL

Mr. SHAYS. Madam Speaker, I rise in recognition of the life and service of Abner Woodruff Sibal, former U.S. Representative from the Fourth District of Connecticut, the district I now represent.

Abner Sibal died this past January at age 78, leaving behind a large family and an honorable legacy. He would be celebrating his 79th birthday today. Mr. Sibal was a member of this body from 1961 to 1965 in the 87th and 88th Congresses. While here, he served on the Interstate and Foreign Commerce Committee and its Subcommittee on Transportation and Aeronautics.

Mr. Sibal was born in Ridgewood, New York, and grew up in Connecticut. He graduated from Norwalk High School in 1938 and Wesleyan University in 1943, entered the U.S. Army after graduation from college, and served in both the European and Pacific theaters during World War II.

When Mr. Sibal was discharged as a first lieutenant in September 1946, he went on to St. John's Law School, where he received his law degree in 1949. Abner Sibal was admitted to the Connecticut bar in 1949 and the Federal bar in 1965. He led an impressive career both before and after his time as a public servant.

From 1951 to 1955, he served as a prosecuting attorney in the city of Norwalk. Mr. Sibal served as a member of the Connecticut State senate from 1956 to 1960. He sat as a member of the Corporation Counsel of Norwalk from 1959 to 1960. He rose to the position of Republican minority leader for the last 2 years of his State senate tenure.

His hard work and leadership earned him the position of chairman of the Connecticut Commission on Corporate Law in 1959.

In addition, he was a delegate to each Connecticut Republican State Convention from 1952 through 1968 and a delegate to the Republican National Convention in 1964.

After his years in Congress, Mr. Sibal practiced law in Washington before being appointed general counsel of the Equal Employment Opportunity Commission by Gerald Ford in 1975. In 1979, he resumed his private law practice, joining the firm of Farmer, Wells, McGuinn & Sibal.

On a personal note, I was entering high school when Mr. Sibal became the Congressman of my Connecticut district. It was during this time I started to really become politically aware. I was learning about Congress and who my elected officials were.

Abner Sibal stands out in my mind as having been a leader I respected, admired, and wanted to emulate. Abner Woodruff Sibal is remembered as an honorable man, a hard working public servant, and an able legislator.

DEPARTMENT OF DEFENSE SHOULD LEAD BY EXAMPLE FOR MORE LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, national security is a powerful concept; and in the name of national security, we have done extraordinary things, perhaps none more momentous than the victory during World War II and the huge mobilization that it required.

At times we use national security to cover up things perhaps we should not do, some tragic mistakes abroad, not being truthful with the American public. Here at home, we have occasionally used national security to rationalize good things we probably should have done anyway. Our interstate highway system was done in the name, in part, of national defense, or the student defense loans in the 1960s and 1970s, or research that led to the Internet.

Today there is no greater threat to our national security worldwide than is posed by pollution, poverty, disease, and the unrest and misery that they produce.

We have serious environmental problems here at home that are the terrible hidden legacy of 60 years of our defense activities, among them, in my own Pacific Northwest, the terrible pollution at the Hanford Nuclear Reservation, or

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

Rocky Flats in Colorado, chemical weapons, toxic waste.

One of the most powerful ways to protect the environment and make community livable is for the Federal Government to lead by example, whether it is maybe requiring a post office to obey local land use laws and zoning codes and planning regulations, or have the GSA lead by example, being an exemplary landlord in our communities around the country, or maybe having the Federal Flood Insurance program reformed so it does not subsidize people living in places where God has repeatedly shown that he does not want them.

But the biggest, richest, and most visible opportunity to lead by example is to be found in the Department of Defense, whether, as I mentioned on this floor before, dealing with model ways to environmentally sensitively dismantle ships, or look at the opportunities posed by base closings around the country.

Our population is going to double in the course of this century. There are many great examples of over the long haul how, done right, base closings can help save the taxpayers' money and revitalize communities, not devastate them.

Army facilities nationwide are rich in historic buildings, structures, and districts. These historic properties potentially represent a significant and valuable heritage not just for the Army but for the Nation and particularly for the community in which they are located.

The National Trust for Historic Preservation has helped develop a methodology for this and has helped launch more than 1,500 commercial districts around the country to be revitalized. There is a tremendous potential for them to work with us nationally with military projects.

Look at Fort Ord, with 28,000 acres, the largest military base closed in the country. It is now the campus for California State University at Monterey Bay. More than 1,100 new jobs have been created already. Seven thousand acres have been turned over to the Bureau of Land Management to be preserved as open space.

Unfortunately, since the base was closed in 1993, the housing has not yet been returned to the community for reuse due to burdensome bureaucratic requirements and, even though some progress has been made in the course of this last year, not before much damage has been caused to the vacant housing and loss to the community.

We could speak further about the opportunities before embarking upon new projects. I think it is important for the military to deal with the legacy of the problems we have now.

One such legacy of military operations is the threat left by bombs and shells that did not go off when fired for testing and training. Commonly we are talking about 5 or 10 percent. It is estimated it is going to cost $15 billion to remove this unexploded ordnance in the United States alone. At the rate of $150 million that we are spending a year now, it is going to take over 100 years to deal with this problem.

The budget for environmental security in the Department of Defense is $4 billion out of a total budget of $305 billion. It is time for us to take a step back to make sure that, if we can in the name of politics give the military money it cannot afford for projects that it does not need or want, then in the name of environment and livable communities, we can pay the bill and do it right.

This is a special opportunity for the Department of Defense and Congress. We should not take shortcuts with the environment in the name of national security. Instead, the Department of Defense should lead by example for more livable communities.

GENE TECHNOLOGY HAS COME OF AGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, gene technology has come of age. It is referred to under different names: genetic engineering, gene splicing, bioengineering, recombinant DNA. No matter the name used to describe it, this technology represents the latest tool in a continuum of techniques researchers have developed and adopted over the centuries.

As chairman of the Subcommittee on Basic Research of the Committee on Science, we have spent the last 14 months studying this new biotechnology of genetically modifying products. We will be releasing probably the most inclusive and detailed report this coming Thursday at 2:30 at a press conference in Room 2320, the Committee on Science room. It is a summation of the findings of a series of three hearings held during the first session of the 106th Congress by our Subcommittee on Basic Research entitled, ''Plant Genome Science: From the Lab to the Field to the Market.'' Additionally we have talked to and counciled with many other world experts on this subject.

What is truly powerful about this technology is that it allows individual, well-characterized genes to be transferred from one organism to another, thus increasing the genetic diversity available to improve important commercial crop plants as well as pharmaceuticals.

The potential benefits to mankind are limited only by the resourcefulness of our scientists. Biotechnology has been used safely for many years to develop new and useful products used in a variety of industry.

More than a thousand products have now been approved for marketing, and many more are being developed. These products include dozens of therapeutics, including human insulin for diabetics, growth factors used in bone marrow transplants, products for treating heart attacks, hundreds of diagnostic tests for AIDS and hepatitis, and other infectious agents, enzymes used in food production, such as those used for the production of cheese and other products.

And this is just the beginning. In agriculture, new plant varieties created with these techniques will offer foods with better taste, more nutrition, longer shelf life, and farmers will be able to grow these improved varieties more efficiently, leading to lower costs for consumers and greater environmental protection.

Soybeans that produce high oleic oil containing less saturated fat and less processing; cotton plants that fight pests or produce naturally colored cotton, reducing the need for chemical dies; bananas that deliver vaccines to fight enteric diseases are just a few examples of what is in store.

While millions of lives all over the world have been protected and enriched by biotechnology, its application to agriculture has been coming under attack by well-financed activist groups. The controversy they have generated revolves around probably three basic questions as I have defined them: one, are agricultural biotechnology and classical breeding methods conceptually the same? Two, are these products safe to eat? And three, are they safe for the environment?

The testimony and other material made available to the subcommittee as we have met with leading scientists throughout the world lead me to conclude that the answer to all three questions is a resounding yes.

In fact, modern biotechnology is so precise and so much more is known about the changes being made that plants produced using this technology may even be safer than traditionally bred plants.

This report contains background information on the development and oversight of plant genetics and agricultural biotechnology, a summary of the subcommittee hearings, and my findings and recommendations based on these hearings. I hope that it will be of use to all of the scientists and researchers in America as we examine this important issue of biotechnology.

The human genome effort and the plant genome effort with the arabidopsis thaliana is being completed well ahead of schedule and will have a tremendous impact on our lives and the lives of people all over the world. We need to move ahead, but we need to make sure that scientific facts and not rumors and scare tactics are the basis of information to the general public. Politically motivated misinformation can slow down the advancement of a science that has so much potential for mankind.

□ 0945

SMITH & WESSON

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, last week I spoke regarding the coerced agreement between the Federal Government and the firearms manufacturer Smith & Wesson. I would like to continue my discussion this morning by highlighting a few more quotes from those who participated in this coercion through litigation. I would like to emphasize that these are not statements that this country should be proud of, and these are not statements one will find in an official press release.

John Coale, one of the trial lawyers involved in the lawsuits against firearm manufacturers was quoted in The Washington Post as saying ''the legal fees alone are enough to bankrupt your industry.''

Regarding this agreement, the New York Attorney General Eliot Spitzer reportedly said to another firearms manufacturer, Glock, Incorporated, ''If you do not sign, your bankruptcy lawyers will be knocking at your door.''

On April 2, Mr. Shultz, CEO of Smith & Wesson was interviewed on the ABC news show, This Week, regarding the agreement that was reached with the Federal Government on gun control proposals.

Twice, my colleagues, in this interview, he referred to the ''survival'' of his company as a primary reason behind his settlement. In fact, in announcing this agreement, Smith & Wesson stated ''these actions are about insuring the viability of Smith & Wesson as an ongoing business entity in the face of crippling costs of litigation.''

Speaking of crippling litigation, last week's edition of National Review reported that Colt firearms manufacturer chose to cease producing firearms for civilian purchase because of the ruinous lawsuits. And this is a company that was voluntarily pioneering smart gun technology and had recently received a $50,000 grant to develop smart guns. Here was a company working towards a common goal of the gun control advocates, but that did not matter. Those same advocates and their trial lawyers continued to pursue this costly litigation against Colt into a fait accompli.

Finally, an op-ed in today's Washington Post by Tom Cannon further characterized the agreement with Smith & Wesson. He stated ''this agreement is a legally binding contract, not just between Smith & Wesson and the government, but also between the manufacturer and every wholesaler, retailer and private customer of Smith & Wesson's product, even though these parties were not consulted, advised or asked for their consent.''

Mr. Cannon goes on to say that a preferential purchase of Smith & Wesson firearms would be a purchase that requires the voluntary surrender of the rights of choice association and privacy.

Madam Speaker, I ask that Mr. Cannon's op-ed be made a part of the RECORD.

[From the Washington Post, Apr. 11, 2000]

(By Tom Cannon)

If you follow the gun issue at all, you're aware that last month Smith & Wesson, one of the oldest American gun manufacturers, signed a deal with several government entities at all levels. The primary purpose of this deal was to release Smith & Wesson from the lawsuits being filed against gun manufacturers seeking to hold them responsible for the criminal misuse of their products by unrelated third parties.

Among other things, this agreement is a legally binding contract not just between Smith & Wesson and the government but also between the manufacturer and every wholesaler, retailer and private customer of Smith & Wesson products—even though these parties were not consulted, advised or asked for their consent. Any wholesaler or retailer who wishes to continue carrying Smith & Wesson products will be required to agree to the terms of this contract, and force is customers to do likewise. My primary objection is that the last time I checked, I had not granted Smith & Wesson power of attorney.

In immediate response to this ''unholy alliance'' between a once-respected company and the government, gun owners from all over the country, myself included, contacted their local gun stores and begged them to discontinue carrying Smith & Wesson products. The Michigan Coalition for Responsible Gun Owners sent a letter to every S&W dealer in Michigan, asking on behalf of our thousands of members that they drop the line. Across the country, thousands if not millions of us pledged not to patronize a business that sold Smith & Wesson products under the terms of this new agreement.

Whether because of this market pressure or because of the onerous terms of the agreement itself, many dealers have decided to drop the Smith & Wesson line. As a free market economy, it seemed our work was done; our dollars had spoken for themselves. We would provide a harsh object lesson for the manufacturers about the attitudes of the market.

But shortly after the Smith & Wesson agreement was announced, several of the same government entities that signed the deal announced investigations of S&W's competitors for alleged violations of antitrust laws. In short, the message seems to be: ''You will buy Smith & Wesson.'' Personally, I find this even more insidious than the original lawsuits that brought on this foolishness. In gangster movies this would be called a ''protection racket.'' It brings to mind the bus boycott in Montgomery, Ala., during the civil rights movement, and the local government's reaction to it.

There is nothing to prevent Smith & Wesson from opening its own retail stores in every gun-buying market or from franchising its retail licenses, unless of course you count the fact that they won't sell many firearms to the traditional gun-buying public. A friend of mine, a collector whose passion is Smith & Wesson revolvers and who reportedly has ''more Smiths than Smith,'' says he is done buying new Smith & Wesson products. Their days in this market are probably numbered.

Can Smith & Wesson survive? Sure, it could limp along on government contracts, or get some other kind of help from its new best friends. After all, our government has propped up thousands of businesses over the years long after they should have succumbed to market pressure and closed up shop.

Or anti-gun groups such as Handgun Control Inc., with their incessant claims of support from suburban ''soccer moms,'' could create a new market by encouraging these moms to buy Smith & Wesson in support of their so-called ''dedication to safety.'' Handgun Control Inc. has already posted articles on its web site praising Smith & Wesson for its actions, so it's really only a half-step farther to promote Smith & Wesson's products to its audience.

And that could just be the icing on the cake. More people would own guns, thus being able to defend themselves against crime, and traditional gun owners like me would split our sides laughing at the ironic spectacle of HCI shilling for S&W.

If the soccer moms want guns who purchase requires the voluntary surrender of the rights of choice, association and privacy, then let the soccer moms buy them.

The writer is on the board of directors of the Michigan Coalition for Responsible Gun Owners.

Madam Speaker, I think these are the kinds of quotes that should send chills through the spine of every American. In essence, a precedent has been set which has the government lawyers and private lawyers conspiring, conspiring to coerce private industry into adopting public policy changes through the threat of abusive litigation. The option? Adopt our proposals or you will go bankrupt.

Madam Speaker, this is not a way to run a Republic. We should confront this threat to our constitution immediately and stop any future attempts at coercive litigation by our government.

Every Member of Congress, regardless of political philosophy, should be concerned with this type of action. Any future executive branch could circumvent Congress anytime it disagrees with our policy. As elected officials, we are sworn to uphold the constitution. We should not condone coercive litigation to circumvent the legislative function of the Congress. This is not a political issue. This is a Constitutional issue.

Madam Speaker, I have introduced a resolution disapproving of the executive branch using litigation in a coercive manner to circumvent the legislative function of the Congress. I urge every one of my colleagues to cosponsor and defend the constitutional authority of Congress, its right to make national policy here in the House of Representatives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 51 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 11 a.m.

PRAYER

The Reverend David Harmon, Big Emory Baptist Church, Harriman, Tennessee, offered the following prayer:

Our Father: I wish I had the vocabulary of angels. I wish, my Father, that I could speak the words of Heaven today to express what I feel in my heart. We thank You so much for our great Nation. We praise You for the wonderful things that You have done for us down through these years.

My Father, our Lord, we need and seek Your face in our Nation and pray that Your kind hand be upon these men and women who represent this great Nation here today.

Soon I am sure that these folks will forget me, but I hope there is never a moment that we forget You, Lord.

My Lord, You know our major needs, so I will not attempt to pray for them specifically. However, I pray that Your will be done in this place today, as it is in Heaven.

My Lord, we indeed seek Your input and guidance in every decision. We also pray that You will bring harmony to our Nation and peace to our world.

Heal our land, heal our people and saturate our hearts with the greatest love and compassion the world could ever know in our Lord Jesus Christ. And it is in His precious and holy name that we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. Wamp led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PROJECT EXILE

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

Mr. GIBBONS. Mr. Speaker, today I rise in strong support of H.R. 4051, Project Exile, the Safe Streets and Neighborhood Act of 2000. This bill helps make neighborhoods and communities safer by implementing programs that ensure tough prison time for criminals who use guns.

H.R. 4051 will provide financial resources totaling $100 million over 5 years to help States aggressively enforce their own laws, laws already on the books, laws already there to ensure that gun criminals are held accountable.

Qualifying States can use this money to strengthen their criminal and juvenile justice systems and promote effective and swift prosecution of violent criminals. Project Exile is a proven, common sense approach to fighting gun crime and making our neighborhoods safer. I call upon my colleagues to pass this important legislation so we can exile violent gun criminals to prison to do the hard time they deserve.

THE INTERNATIONAL ABDUCTION OF REBECCA COLLINS' SON

(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 talk about the continued problem that is of utmost importance, and that is the abduction of American children to foreign countries. The gentleman from Ohio (Mr. CHABOT) and I introduced legislation with 126 original cosponsors, a testament to the importance of this issue.

Rebecca Collins, a mother from North Carolina, was granted temporary custody of her son while her divorce was pending. In July of 1991, her ex-husband took her son to Germany during a scheduled visitation and the U.S. police filed charges against him.

In August of that year, Rebecca was awarded custody and the immediate return of her son was ordered. Despite the decision, a lower German court transferred custody to the father. Rebecca was granted access rights, but the German court refused to enforce these rights when the father failed to abide by them.

Rebecca's son was 7 months old at the time of the abduction. He is now 8 years old, and she has not seen him at all since the abduction. She spoke with him once on the phone in 1997, but her son has been told that his father's new partner is his natural mother.

Mr. Speaker, American children and their parents should not be kept apart by court systems that refuse to comply with the law. We must make sure that signatory countries of the Hague Convention of the Civil Aspects of International Child Abduction abide by their agreement.

AIR HILLARY

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

Mr. PITTS. Mr. Speaker, in 1991, White House Chief of Staff John Sununu was harshly criticized by the news media for using official aircraft for personal use. There seemed at the time to be a consensus on the part of the news media that despite his position, taking military aircraft on personal trips was inappropriate. But, Mr. Speaker, 9 years later, we have a First Lady whose use of official aircraft to run for political office has already cost the taxpayers more than $182,000, and the election is still 7 months away.

Chief of Staff Sununu was criticized for using government airplanes for personal use. Is not using government aircraft to run for a political office in a political campaign even more questionable?

Every one of us in this body lives and works under strict ethics rules designed to prevent the misuse of official tax paid resources. Is it not wrong to charge 80 percent of your campaign travel costs to the taxpayer? The First Lady's campaign costs the taxpayer over $3,700 for every hour she is in the air.

Mr. Speaker, I am amazed that this has gone on so long unquestioned by many in the media.

527 CORPORATIONS MUST DISCLOSE THEIR CONTRIBUTORS

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

Mr. DOGGETT. Mr. Speaker, a 527 is not a bird or some new model of aircraft, but it is the Superman or super weapon of this political season. Operating under section 527 of the Internal Revenue Code, these new political groups can spew out hate over the airwaves and fill our mailboxes with misinformation. These new political groups can take unlimited amounts of money, and they can take unlimited amounts of foreign money. The Iraqis, the Cubans, the Chinese can pour money into these secret Swiss accounts of the political season and use it to spew out more hate over the airwaves.

The favorite feature of those who rely on 527s is that they can hide every bit of any dirty money that they collect. They can keep their sources secret. Unfortunately, the House Republican leadership is so tied to these secret political accounts and so reliant on campaigns of hate that they will finance in the Fall that they are denying this House today the opportunity to require these groups to disclose their contributors. This is wrong, and the House should reject this tactic.

SENIOR HEALTH CHOICE PRESERVATION ACT

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

Mr. FOLEY. Mr. Speaker, today I am introducing the Seniors Health Choice Preservation Act. This bill will protect Medicare Choice HMOs from additional payment cuts. Furthermore, the bill will assist Medicare HMOs that cover prescription drugs so that they can continue to provide this important benefit.

I believe we have a commitment to America's seniors to provide dependable health care through the Medicare program. I strongly supported giving seniors more options and flexibility when I voted for the Medicare Choice in the Balanced Budget Act.

Empowering consumers to choose their care is the best way to improve quality and affordability in the health care system. Unfortunately, more than 700,000 Medicare beneficiaries in the Medicare Choice HMOs nationwide will have had their coverage either disrupted or discontinued over the past 2 years.

In some Congressional districts, like mine, many seniors were forced to return to Fee for Service Medicare because there were no other options in their area. Even in areas that still have Medicare HMOs, seniors have been hit hard with increased out-of-pocket costs and reduced benefits.

Seniors in my district love their HMOs. They get things like prescription drug coverage, dental care, and eye glass exams.

At a time when HMOs are getting a bad rap in a lot of places, we want to keep our HMOs in Florida.

I urge my colleagues to cosponsor the Seniors Health Care Preservation Act.

CHINA IS BUYING MISSILES WITH AMERICAN CASH AND THEN AIMING THEM AT AMERICAN CITIES

(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 China-White House business bothers me. China's trade surplus with Uncle Sam will exceed $70 billion this year and it is common knowledge that China is buying missiles with American cash and then aiming those missiles at American cities.

Beam me up. I recommend that any deal with China, number one, require a 5-year waiting period before China can fire a missile at America; number two, that China cannot sell stolen U.S. technology at missile shows; and number three, all Chinese missiles shall have trigger locks.

Now on a serious note, I yield back the greatest threat ever to America's national security: Communist China.

THANKS FOR THE SUPPORT

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

Mr. CRANE. Mr. Speaker, I am very pleased to return this week to continue my work in the House. I am rejoining my family, friends, colleagues and supporters in good health and I feel better physically and mentally. I am ready to resume my duties, including my legislative responsibilities, and serving the needs of my constituents. I look forward to the hard work necessary to successfully continue my service in the U.S. House of Representatives and to my country and to the Eighth Congressional District of Illinois.

This has been a deeply humbling experience for me as I continue on my road to recovery, but I want to thank everyone, including Speaker Hastert and my colleagues, for their understanding and the tremendous outpouring of support I have received on both sides of the aisle. God bless you all.

PROJECT EXILE

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

Mr. TANCREDO. Mr. Speaker, I come to the floor this morning in strong support of H.R. 4051, the Safe Streets and Neighborhoods Act of 2000. It will be coming to the floor today under suspension.

This legislation seeks to build on Project Exile programs which started in Richmond, Virginia, in 1997 and using the existing law to go after criminals who illegally possess firearms or use firearms in the commission of a crime.

Since the incorporation of Project Exile in Richmond, the program has spread throughout the entire State. Other cities and States have also taken up similar initiatives to rid their communities of gun wielding criminals. In fact, my own State of Colorado started a Project Exile program back in September and already we are beginning to see a rise in the number of prosecutions against criminals in violation of firearms law.

H.R. 4051 would provide resources to the States that have sought to stringently enforce firearms laws and ensure a mandatory minimum sentence for criminals who violate such statutes. Likewise, these funds can be used to defray the costs associated with tougher enforcement stance, whether it be hiring more prosecutors or expanding jail space.

At a time when our society is grappling with the plague of violence, I encourage Members of this body to pass H.R. 4051.

□ 1115

JUDGE RULES AGAINST CONTROVERSIAL HISTORIAN

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

Mr. LANTOS. Mr. Speaker, before I begin my 1-minute, on behalf of all of my Democratic colleagues, I want to welcome back to the House the gentleman from Illinois (Mr. CRANE), our colleague and friend. We are delighted to have him back.

Mr. Speaker, today we celebrate the victory of history over hate. The pseudohistorian in England, David Irving, who denied the Holocaust, had his comeuppance in a British court yesterday. The great American scholar of the Holocaust, Professor Deborah Lipstadt of Emory University, called David Irving a Holocaust denier. Yesterday, British justice agreed. That is why we celebrate history over hate.

Steven Spielberg and others in countless documentaries have used film to show what the Holocaust was, that it resulted in the mass murder of 6 million people. Pseudohistorian David Irving, a racist and anti-Semite, has destroyed his own career. He is banned from Germany, Canada, and Australia. Today, I am introducing legislation to ban him from ever visiting the United States.

CELEBRATING YOUTH IN THE 11TH CONGRESSIONAL DISTRICT OF OHIO

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

Mrs. JONES of Ohio. Mr. Speaker, this past weekend, in the City of Warrensville Heights, Ohio, in the 11th Congressional District of Ohio, we celebrated that the Warrensville Heights Tigers won the State championship in basketball. We also celebrated that in Bedford, they were the runners-up, right in the 11th Congressional District of Ohio. It is wonderful to be able to celebrate that our youth are doing great things.

Mr. Speaker, in addition, this coming weekend in the 11th Congressional District, we will be hosting our Reclaiming Our Youth Empowering Yourself leadership conference. We are looking to build leaders in the 11th Congressional District. One of the workshops is called ''I am so angry.'' Another one is called ''Decision-making, developing your skills.''

We will be doing a workshop on the media and, finally, solutions and impacts. A panel of high school students and college students will discuss issues and choices that they make. It is a wonderful opportunity to be with such wonderful young people in the 11th Congressional District. In fact, our art competition is on Sunday, and we had 99 people who submitted artworks for our competition.

NATIONAL MISSILE DEFENSE

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

Mr. KUCINICH. Mr. Speaker, the deployment of a national missile defense system will violate the 1972 Antiballistic Missile Treaty. It will spark a global nuclear arms race. It will weaken U.S. military by crowding out effective and cheaper means of defending the United States. More than 162 nations, including Russia and China, have signed on to a United Nations resolution for an international ban on weapons in space.

Mr. Speaker, the United States must sign on to that U.N. resolution. The U.S. Space Command calls for expanded war fighting capabilities in outer space.

The guiding words in this country ought to be ''thy will be done on Earth as it is in heaven,'' not ''war be done in heaven as it is on Earth.'' Let us work for peace on Earth, not war in space.

NUCLEAR NONPROLIFERATION

(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, nuclear nonproliferation must be the foundation of any U.S. security policy. I have introduced House Resolution 82 to codify this principle; but, unfortunately, a national missile defense system is contrary to nonproliferation.

Mr. Speaker, the British parliament, our closest ally, has put forth two motions, one, to acknowledge the importance of nonproliferation, and the second stating that the reduction and elimination of threat is far wiser than investing in the double and doubtful effectiveness of a missile defense system.

Mr. Speaker, we must allow our allies and we must follow our allies and recognize the principles of nonproliferation. I ask my colleagues to consider the NMDS and reconsider it as it relates to nonproliferation and to support H. Res. 82 that recognizes the true security interests of the United States by supporting total nuclear disarmament.

STEALTH 527 GROUPS: DISCLOSURE NOW

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

Mr. ALLEN. Mr. Speaker, when opponents of campaign finance reform opposed the Shays-Meehan reform bill last year, their alternative was disclose, disclose, disclose; but when asked to require disclosure on section 527 stealth political groups, Republicans cried conceal, conceal, conceal.

During debate on the Shays-Meehan reform bill last fall, the majority whip, the gentleman from Texas (Mr. DELAY), said on this House floor, ''What reform can restore accountability more than an open book?''

Last week, the Committee on Ways and Means had a chance to open the books on the shadowy political organizations being set up under section 527 of the Tax Code, but every Republican on the committee voted to keep the books closed on these stealth groups that have reportedly become a favorite tool of the majority whip, according to press accounts. Every Democrat on the committee voted to open the books.

When it comes to campaign finance disclosure, it is time for the Republican leadership to do what they say they believe.

STEVE BRUNS

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

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to recognize a familiar figure to the people in Newport, Oregon, one of the coastal communities in my district. After 37 years with the United States Postal Service, on March 30, Steve Bruns officially hung up his mail bag for good. Since 1963, Steve Bruns through wind and rain, and we have a lot of that on the Oregon coast, has always delivered.

Mr. Speaker, he has been a fixture and a beloved member of the Newport community. Steve is one of the most personable people that you will ever meet, and he is going to be missed on his daily route by the thousands of people that he has touched over the years.

Recently he was honored into the Million Mile Club by the U.S. Postal Service. To be inducted into this exclusive club, one needs to have walked or driven 1 million miles for the Postal Service. This would be equivalent to over 160 round trips from Newport, Oregon, to Washington, D.C. That is a quite a feat.

I commend Mr. Bruns for a job well done and for the commitment and service to his community that he has shown throughout his 37 years to the Postal Service.

SUPPORTING THE BREAST AND CERVICAL CANCER TREATMENT ACT

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

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of H.R. 1070, the Breast and Cervical Cancer Treatment Act, legislation which will give the States the ability to provide treatment for uninsured and underinsured women battling breast and cervical cancer.

I am pleased that the leadership has finally agreed to bring this critically important legislation to the House floor for a vote no later than Mother's Day, May 14. There is absolutely no excuse to miss this opportunity to save women's lives in this country.

To date, the bill has 290 bipartisan cosponsors, well over the required number to pass a bill on the Suspension Calendar. In addition, the National Breast Cancer Coalition and over 500 leading health care and women's organizations have said that passage of H.R. 1070 is one of their top priorities this Congress.

Let us give our grandmothers, our mothers, our sisters, and our daughters the gift of life. Let us pass H.R. 1070 at the earliest opportunity.

30 PERCENT SALES TAX IS NOT TAX REFORM

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

Mr. SHERMAN. Mr. Speaker, as we approach the tax deadline, our thoughts go toward tax reform. We ought to have genuine tax reform, code section by code section, unraveling the loopholes and the special interest provisions.

That is why, Mr. Speaker, I regret what the Committee on Ways and Means is doing right now as we sit here. They are considering replacing our existing tax law with a 30 percent sales tax on everything every American buys, from rent to services to goods.

They disguise it as a 23 percent tax. They claim it is a 23 percent tax, and here is their logic. One buys something for 100 bucks, one pays a $30 tax. They say that is only 23 percent tax on the $130 total price. It is a 30 percent sales tax.

But the nonpartisan Joint Committee on Taxation says that, in order to be revenue neutral and replace all Federal revenues, the tax would have to be 59.9 percent. All of this so that Steve Forbes can make tens of millions here, spend it on the Italian Riviera, and not pay a penny in American tax.

CAMPAIGN FINANCE REFORM

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

Mr. CAMP. Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentleman from Michigan for yielding me this time.

I have heard a lot this morning in 1-minutes on campaign finance reform and some tactics used in the Committee on Ways and Means in order to extract it. I did not hear anybody ask for the Vice President's e-mail records. I did not ask anybody to look at the memos from the Justice Department and the FBI about prior scandals in this administration.

Lo and behold, the sad tragedy today is the Justice Department refused to

investigate at the request of the FBI, and yet two nuns in the Buddhist order have been indicted. Two nuns have been indicted. Yet everyone else in the administration is let off scot-free.

So my colleagues demand campaign finance reform today. I would urge them to ask Mr. GORE to submit his e-mail records. Let us look at Justice Freeh's memorandum of understanding to Mrs. Reno. Let us finally look at campaign finance reform as the laws apply today. But, no, let us create a smoke screen.

LEAVE STAR WARS TO THE MOVIES

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, 17 years and over $40 billion, one would hope that such an investment would be directed towards upgrading our schools, providing job training, or making payments on our national debt.

Instead, this astronomical amount has been squandered on Star Wars. Now, they have changed the name to National Missile Defense, but it is the same thing. After 20 years of trying, it still does not work.

Reagan started it to beat the Soviets. Now they say we need it to protect us from Iraq. But Timothy McVeigh was not in Iraq.

The greatest threat to our country is having leadership that fails to recognize real threats. Instead of funding more government waste, deadly corporate welfare, and a missile build-up that jeopardizes the ABM Treaty, I suggest that we concentrate on our problems at ground zero and leave Star Wars to the movies.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on House Resolution 465 and H.R. 4051 will be taken after debate has concluded on those motions.

Record votes on remaining motions to suspend the rules will be taken later today.

ENCOURAGING GOVERNMENTS TO DISSEMINATE STATISTICS ON ABANDONED NEWBORN BABIES

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 465) expressing the sense of the House of Representatives that local, State, and Federal governments should collect and disseminate statistics on the number of newborn babies abandoned in public places.

The Clerk read as follows:

H. RES. 465

Whereas April is Child Abuse Prevention Month, which provides Congress the opportunity to focus attention and raise awareness of the problem of newborn babies abandoned in public places;

Whereas the Department of Health and Human Services reports that, in 1998, 31,000 babies were delivered and abandoned in hospitals by mothers;

Whereas an unknown number of newborn babies are abandoned in dumpsters, trash bins, alleys, warehouses, and bathrooms;

Whereas the Department of Health and Human Services conducted an informal survey of major newspapers and found that, in 1998, 105 babies were found abandoned in public places in the United States, of which 33 were found dead, and that, in 1991, 65 babies were abandoned, of which 8 were found dead;

Whereas national statistics on the number of infants abandoned in public places are not kept, though States are required to submit data to the Department of Health and Human Services on the number of children who enter foster care as a result of abandonment in general;

Whereas Texas is the only State to have enacted a law designed to address this social problem, though 24 other states are considering such legislation, including Alabama, California, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Maryland, Minnesota, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Tennessee, Connecticut, Oregon, Illinois, Ohio, Wisconsin, Mississippi, Michigan, and New Mexico; and

Whereas there are innovative model programs in Houston, Mobile, Minneapolis, and Syracuse that protect mothers who take newborns to hospitals or some other safe haven rather than dumping them in a trash bin or leaving them on a doorstep: Now, therefore, be it

Resolved, That local, State, and Federal statistics should be kept on the number of babies abandoned in public places.

□ 1130

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

I rise in support of House Resolution 465, focusing our attention on the thousands of infants who are abandoned in this country every year.

In November of 1996, two college freshmen, Brian Peterson and his girlfriend, Amy Grossberg, were charged in the death of their newborn son, found wrapped in plastic at a Dumpster near a Newark, Delaware motel.

In June of 1998, the body of a 6-pound baby boy was found in a trash can at a Smyrna, Delaware car wash. The parents were never found.

Today, two Virginia teens are fighting extradition to Delaware where their baby girl was found abandoned on the floor of a portable lavatory on a housing construction site in Bear, Delaware.

This is my State of Delaware alone, the size of each of our 435 congressional districts by population.

Recently, a writer sorted through 1,000 newspaper articles on infant murders between 1990 and 1999 and found 700 cases in which the mother killed her child. Of course, these were the cases where the murder was committed, the mother was found, and the story was reported in the newspaper.

According to child welfare experts, States include infant abandonment with the abandonment of children of other ages in their records, so there are no specific figures on the number of newborns abandoned each year. Therefore, it is fitting that this resolution calls on localities, States, and the Federal Government to keep statistics on the number of infants abandoned in public places each year. With this data, we will have the ability to better assess the scope of this problem and then take steps to address it.

In fact, after 13 infants were found abandoned in the Houston area, Texas became the first State to pass a law protecting parents who leave newborns in safe places. In fact, State Representative Geanie Morrison, from Victoria, Texas, who was the sponsor of this legislation breaking the ice on this subject, is here with us in the gallery.

Many States, including my State of Delaware, are considering similar legislation designed to reduce the number of infant deaths.

For more than a decade, April has been recognized as Child Abuse Prevention Month. During April, public and private agencies, community organizations, volunteers, and concerned citizens unite to highlight the problem of child abuse and to educate the public about how it can be prevented. Therefore, it is only fitting that the House of Representatives pass this resolution to focus the national attention on the problem of infant abandonment.

I urge the adoption of this resolution.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded they should not make references to visitors in the gallery.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume, and I am honored to be sponsoring this resolution with my colleague, the gentleman from Delaware (Mr. CASTLE).

Mr. Speaker, today's resolution, H. Res. 465, recognizes the necessity to keep statistics on the number of newborn babies abandoned in public places. This is a horrible and, unfortunately, an increasing situation. We need additional data so that we can better assess this growing problem so that we can strengthen our efforts to reduce it and prevent it entirely.

Too often, Mr. Speaker, we turn on the evening news or wake up to the morning papers to find out that yet another baby has been abandoned in an alley, on a park bench, or some other

public place. Too often these babies are sick, injured, suffering from exposure, if indeed they are lucky enough to be alive at all.

When the baby does live, communities are very generous. They respond with offers of help for the abandoned baby in the form of clothing and in the form of financial resources. Truly, it is a heart-warming response. While this generosity responds to the immediate problems of the newborn child, it absolutely does not respond to the cause of the problem.

Mr. Speaker, our current data on the number of abandoned babies comes from newspaper accounts and other media reports. In order to truly understand this problem and improve our efforts to address it, we need to have all levels of government, local, State, and Federal keep statistics on the number of babies abandoned in public places. It is my hope that this resolution, H. Res. 465, will both encourage our Nation to collect this much-needed data and also invigorate our efforts to make the abandonment of babies a thing of the past.

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

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time. I too want to commend Representative Morrison from the State of Texas for her leadership on this issue.

We have read horrifying stories in the news about babies being abandoned at birth in public places. One child was found in a river, another in a garbage Dumpster. These are all sad, heartbreaking stories. But States and communities have been responding to this crisis both with new laws and new programs to ensure that these babies have a chance at life; programs that allow parents, with no questions asked, to deliver their children, their babies, to a hospital instead of hiding the baby away or leaving the child to die.

What we lack is accurate data on how many babies are abandoned in public places. We have a pretty good handle on how many babies are left in hospitals. Almost 31,000 are abandoned in hospitals annually. But we can only guess at how many babies are abandoned in alleys or bathrooms or other public places. We think it is around 105, but we just do not know.

This legislation today calls on government at every level to collect and publicize statistics in this area so we can respond with the right solution. One solution, a permanent and loving solution, is adoption. I and many Members of the Congress have continually worked on a bipartisan basis to make adoption easier.

The Committee on Ways and Means, since 1994, has adopted a number of provisions, tax credits for adoption, ending discrimination in adoption, the Adoption and Safe Families Act, which either says families should be reunited or a loving permanent family should be found to end languishing in foster care. We have a number of provisions to make a real choice for families.

Stories of abandoned babies dying alone break everyone's heart, but it brings even more tears to the eyes of those couples in my hometown of Midland, Michigan or towns like Richmond, Virginia or Omaha, Nebraska families waiting and waiting to adopt a new baby.

Let us get the data, let us work for a solution, and let us make sure not one baby is abandoned to die.

Ms. WOOLSEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who is and has been facing this problem in her home State by organizing a successful billboard campaign that is showing results, and she has introduced H. Res. 4222 here in the House so that she can take her efforts national.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me this time, and I thank her for her leadership, as well as that of the gentleman from Delaware (Mr. CASTLE).

I am rising in support of this resolution in commemoration of Child Abuse Month. I think this is an important first step. What this does is it lays the ground work for us then to pass legislation, such as H.R. 4222, that will require a reporting system so that this information can be calculated and give us the basis upon which we will be able to make the kind of legitimate laws that we should make.

This is a serious issue, and let me congratulate and express my appreciation for the leadership our State Representative Morrison has taken in the State of Texas. But let me also say that when we pass legislation, there must be action behind legislation. I am very gratified for the action and community organization of my community in Houston, Texas.

Let me share with my colleagues some of the horror that we experienced from December 1998 through 1999. We saw 13 babies abandoned over a 9-month period in greater Houston. It was this tragedy that caused me to gather individuals from Houston in my congressional office in the early spring of 1999. These members, Annette Emery, Regenia Hicks, Peter Durkin, Marianne Ehrlich, George Ford, Louella Steller, Dr. Christine Dobson, representing the Baylor College of Medicine, the Harris County Children's Protective Services, Planned Parenthood, and the Texas Department of Protective and Regulatory Services came together to say that we must take the hard coldness of legislation and make it real.

These individuals organized and determined what we should do to try to save the lives of babies. I am very proud of their work. Their work included not only their own efforts but included the help of the University of Houston, Texas Women's University, the City of Houston Health Department, Memorial Herman Hospital, Office of Dr. Janice Beale, Bayou City Medical Center, Healthy Family Initiatives, Texas Department of Protective and Regulatory Services, Harris County Children's Protective Services, Communities in Schools, Depelchin Children's Center, University of Texas Medical Branch, Head Start Education Services, Houston Advocates for Mental Health in Children, and an entire community of individuals whose names I will further submit into the RECORD.

We felt we must get the word out on the legislation in Texas that allowed individuals who felt themselves lonely, who felt themselves frustrated, who felt themselves fearful and were pregnant to come forward and to talk about what they could do. And so we had this campaign that shared the information in Spanish and English and other languages, with an 800 number, that said to those young people that were fearful and pregnant that they did not have to abandon their babies; that they can save lives.

The legislation, H.R. 4222, which I have introduced, will help us further save lives because we will organize a Department of Justice task force to collect this data and to instruct us appropriately on how we, as a Federal Government, can help the States who are looking at legislation, along with the State of Texas that has passed legislation, to ensure that we save babies' lives.

I can only say that this is momentum. Let us not let this momentum fall. Let us create not only the momentum but let us also create the spirit to save the lives of these babies before they are lost.

I am sure my colleagues can understand how tragic it is for those who follow this and who have worked on this to find that one baby was discovered with ants on its face, that one baby was found in a Dumpster. One of the young women was a student in one of the high schools that I represent, a 15 year old, that was ultimately prosecuted in a criminal prosecution. I would imagine that if we had had the opportunity to provide her with some comfort, with an 800 number, with someplace to call, she would have been able to do something other than to lose that baby and to cause that baby a loss of life.

Let me thank, Mr. Speaker, the following additional community groups: Metropolitan One Church, Eller Media Company, Planned Parenthood, Family Assistance Center, Covenant House, C.R.A.F.T.Y., which is Christian Reform Alliance for Today's Youth, AAMA, AVANCE, Harris County Child Abuse Task Force, City of Houston Fire Department, New Generation Maternity Home, Lyndon Baines Johnson Hospital, Northwest Cypress United Methodist, Interfaith Ministries, Saleah, Inc., Justice for Children, Ultimate Care Rehabilitation and Wellness

Center, Judge Berta Mejia, the New Generation Maternity Home, Texas Children's Hospital, Tilson Newborns, Victoria Waters, and Eller Media.

Mr. Speaker, I am eager to indicate that these individuals have all been part of this effort because it is a community effort. And it is important that this resolution be noted as an instruction so that we can move forward to pass legislation to help the communities who are seeking to do something and to be on the map to save lives.

I believe this is an important first step, and I look forward to moving collectively and in a bipartisan way.

Mr. Speaker, I am thankful for this opportunity to speak on this important resolution that will help focus attention upon the growing problem of baby abandonments in this country.

In recognition of April as Child Abuse Prevention Month, I feel that it is imperative that we raise awareness of this tragic situation.

As a Chair and founder of the Congressional Children's Caucus, I have been active in the battle to end this growing tragedy.

Just last week I spoke at a Luncheon by Childhelp along with colleagues on both sides of the aisle to recognize the ''Day of Hope.'' This day, like this resolution, was meant to recognize the plight of abused children everywhere.

I am particularly aware of the abuse children are experiencing in our country because in my hometown of Houston, Texas, we have experienced a rash of newborns abandoned in public places.

Thus, I supported the formation of the Baby Abandonment Task Force and the enactment of H.R. 3423 that is the first state law implemented to combat this problem.

H.R. 3423, the Texas law, came into effect on September 1, 1999.

The Texas law amends the Penal Code to allow this affirmative defense if the person abandoning the child voluntarily delivers the child to an emergency medical services provider as defined under the Texas Family Code.

The Texas legislation further outlines the guidelines by which the EMT must provide for the abandoned child and indicated that the EMT must contact CPS within 24 hours. There is also a hotline in effect for desperate mothers to call.

The Texas law took effect September 1, 1999. Since that time, according to the Texas Department of Protective and Regulatory Services.

This resolution, like my bill which I will be introducing this week recognizes that there is no comprehensive study in place to track the number of newborns abandoned across the nation.

Although HHS conducted an informal study on newborns abandoned in 1998, this study was only an estimate taken from newspaper reports. For FY 1998 there were 105 newborns abandoned in public places and 31,000 in hospitals (boarder babies).

Consequently, it is imperative that we have an accurate study in place to truly understand how to prevent this abandonments in the future.

First, what people must understand when interpreting these statistics is that there is a difference between babies abandoned outside of a hospital and those babies delivered at the hospital, but left by the parent(s). The latter are called ''boarder babies.''

According to HHS, from 1991 to 1998, ''boarder babies'' increased 38%, to 13,400 from 9,700. Abandoned babies, those being treated but unlikely to go home with their biological parents—grew 46%, to 17,400 in 1998 from 11,900 in 1991. From this limited study, we do know that about two thirds of these babies were exposed to drugs.

All states are experiencing this problem of newborn abandonments.

It started Dec. 23, 1998 when a baby boy was found in a hospital restroom. From then, the numbers catapulted. Five other babies were abandoned in the next two months. Between May and September of last year, seven more babies were dumped.

In Indianapolis, at least 17 babies have been abandoned in Indiana since 1990, not counting those in hospitals and in Florida, just last month; a newborn was found outside a church in Volusia County and others in West Palm Beach and Tampa.

Programs exist to address baby abandonment in the states of Alabama and Minnesota also. Laws are being debated in 14 other states including: Georgia, California, Colorado, Connecticut, Florida, Georgia, Illinois, Kentucky, Mississippi, New Mexico, New York, Ohio, Oregon, Wisconsin and here in Washington, D.C.

Anyone trying to address this problem would know that the problem lies in the absence of any official reporting mechanism for nationwide abandonment newborns.

My proposed legislation will authorize a study to be conducted that would gather information from law enforcement agencies and social services agencies about the incidences of babies, defined as children newborn to age 1, that have been abandoned or discarded by any mother (teen or older).

This information would be kept by the U.S. Department of Justice and the information would define the best approach the federal government can utilize to stop this abandonment of babies and save lives—save our precious children.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip of the House of Representatives.

Mr. DELAY. Mr. Speaker, I rise to express my unqualified support for this resolution.

Tales of babies being left to die in dumpsters and alleys are almost too horrifying to believe, but they are true. Steps must be taken to combat the crisis.

The Department of Health and Human Services estimates that more than 30,000 babies are abandoned in hospitals by their mothers every year. This is troubling, but these babies are the lucky ones because they have a chance to live and are eventually adopted.

Babies left in hospitals get the care they need during their first crucial hours and days. The little ones left in trash bins and on street corners do not often live past their first day. Today, there are no reliable statistics that accurately detail how many such tragedies occur.

April is Child Abuse Prevention Month. This is a time when we all need to think more seriously about child abuse and neglect and consider new ways to combat it.

□ 1145

One essential tool is data. We must know how bad the problem is before we can stop it. This resolution simply states that this Congress holds that local, State, and Federal governments should chronicle statistics regarding abandonment of newborn babies.

Mr. Speaker, we must do everything in our power to make the world more welcoming to newborn babies. We must do everything in our power to learn what circumstances precipitate the unthinkable acts that hurt and kill our children. And finally, as individuals, as communities and as legislators, we must do everything in our power to protect these vulnerable lives and afford them the opportunity to thrive in secure and permanent homes and to become productive members of our society.

I applaud the efforts made thus far on this issue in Texas, including the work of my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), and State Representative Genie Morrison, who is here visiting the Capitol today.

I just urge all of my colleagues to support this legislation and other efforts to confront child abuse and abandonment.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I stand in strong support of House Resolution 465.

Several weeks ago in New York, I went to a funeral and it was a funeral of a baby that was abandoned; and it was probably one of the saddest events that I have had to participate in.

When we think about these children being left in Dumpsters, garbage bags, we have to do everything that we possibly can to make sure this does not happen.

In my State of New York, we have legislation right now that is looking to make sure that these women that are going to abandon their child can find a safe haven.

I strongly support it certainly on the New York State level, and I would like to see it some day here on the Federal level. We should reach out to these women to make sure that we can save every single child that we can.

So I stand in very strong support of House Resolution 465, and I encourage all my colleagues to support it also.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me the time, and I stand in strong support of the resolution as a cosponsor and as a concerned citizen for the depravity of leaving a child in a public place to die.

It is sad when we wake up in the morning and read another instance where a mother or parent has decided to leave their child and walk away from their responsibility. So I hope we will consider this as a strong measure of trying to identify just how many times it is occurring.

The Department of Health and Human Services conducted a survey in 1998 and found 105 babies were found abandoned in public places in the United States, in which 33 were found dead. Sixty-five babies were abandoned in 1991, eight of which were found dead, which is not only alarming but it is frightening and sad that in a day and era when there are so many parents willing to adopt and in fact are going overseas to find children that these babies would be allowed to be placed in such an unsafe condition.

But it also goes to the heart of another problem that we have to speak about, and that is unwanted and unplanned pregnancies, welfare dependencies. All of these are intertwined. We need to educate people about the consequences of unwanted and unplanned pregnancy.

And, yes, I support Planned Parenthood because I think education is the only way we will stop some of these abuses and some of these problems. It is sad. Every life is precious. And I think both sides of the aisle agree, whether they are pro-choice or pro-life, that every life is viable and valuable and must be protected.

This is a measure in which we can weigh how many are in fact being abandoned. But let us not just stop with the resolution. Let us start looking at education. Let us fundamentally change the way people look at children and childbearing and child raising. Let us make sure they recognize that responsibility.

We all talk about laws and enactment of tougher penalties to get tough on criminals. Let us find a way to make certain those penalties include recognizing the responsibility every person bears, both male and female, when they conceive and bring a child into this world. And it does not just stop after the act of having fun. It means 9 months later they have to accept that responsibility.

So I support this amendment and urge my colleagues its adoption.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I wanted to add to the comments made by my colleague from New York and my colleague from California and my colleague from Florida. Every life is special.

I would hope that this is a day today that we catapult ourselves in a bipartisan manner to talk about children and hope. Just last week, we had a meeting with a group that emphasized hope for children.

I want to say that we can do more litigation that is negative litigation, but we can do legislation that is positive. And so, I would hope that as we look to trying to be positive that we will have a bipartisan effort to support an action item, H.R. 4222, which answers some of the concerns that my colleagues have talked about, getting the numbers to come into the Federal Government on how babies are abandoned, not only by young people but the 20,000 babies that are abandoned in hospitals, what drives people to come to hospitals and walk away from their children, how do we make parents better parents, what kind of initiative should we have to do that, and what do we do when a teenager age 15 who comes from a different culture is pregnant and does not know where to turn.

And so this legislation that I am looking forward to passing in the House will ask the questions of the prevalence of such incidents, the demographics of such children and their parents, the factors that influence the decision, and the circumstances of abandonment.

My colleagues do not know the tears that we faced in the little girl that abandoned her baby in a high school dumpster. This is what we are facing. I believe that if we pass instructive legislation that will require these data to come into the Federal Government for us to assess that we will be able to make determinations that can collaborate with the efforts made by States.

I join my colleagues in today standing up on behalf of children and saving their lives. Let us pass this resolution and further legislation.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this resolution, which takes a sensible step toward finding a solution to a horrible problem.

Recent high-profile cases of women and girls giving birth in hotel rooms without any support from their families or friends and then abandoning their babies in Dumpsters and public restrooms have made us all aware of the unfortunate reality of baby abandonment and infanticide.

These horrific stories are not currently captured by national statistics. Only those instances where the mother abandons her baby in the hospital are kept in our records. The babies who are left elsewhere are forgotten in the statistics.

This resolution would urge governments at all levels to keep track of those instances where babies are abandoned in public places. This resolution would also encourage State and local policymakers to seek solutions to these problems.

Many States, including my home State of Florida, are currently contemplating such solutions. Ideas such as decriminalizing abandonment at certain safe havens such as fire stations can go a long way towards saving these children from possible death.

As we go forward in celebrating Child Abuse Prevention Month, we should not forget those children who spend their first moments of life abandoned, neglected and abused. To that end, I urge my colleagues to support House Resolution 465.

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

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GARY MILLER).

(Mr. GARY MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise in support of this life-affirming resolution.

When mothers abandon their own children, we have a problem in our society with how we value life. In California, and in the Los Angeles area specifically, the reports of abandoned babies have increased dramatically. This resolution will help us understand the full scope of the problem.

In addition to gathering information on how prevalent this problem is, those of us in Washington need to take some concrete steps to make sure that the laws value life.

We should support protection for mothers who take newborns to hospitals or some other safe haven rather than dumping them in a trash bin or leaving them on a doorstep. We should support the legislation of the gentleman from Virginia (Mr. BLILEY) and the gentleman from South Carolina (Mr. DEMINT) to encourage adoption; and Title 10 money should be used to value life by allowing for the women to be counseled on the option of adoption.

We need to send a message loud and clear from this Chamber that life is valuable and that there are options beside abandoning a baby. Then we need to go home and instill respect for life in our families and in our communities.

I urge my colleagues to support this resolution and to support life.

Mr. CASTLE. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, it is a sad day when we have to come to the floor of the House and acknowledge that the number of babies abandoned in public places is growing.

While some 30,000 babies each year are born in hospitals and then abandoned by their mothers, there are many, many more born in public places and then abandoned. These nameless children born around this country are never given a chance at life and a loving home.

It is a sad commentary on our society that we do not hold life as more precious, more dear than to leave little children alone to face the world. Some miraculously live. Many die.

Not only do we need better reporting of the number of baby abandonments

which take place throughout the Nation's alleys, trash cans and bathrooms; but we need to do something about the root of the problem.

These women who leave their babies in different places feel they have no place to go, that there is no future for them or their child, that they cannot care for their child.

Mr. Speaker, as has already been referenced, I have a bill pending before the House of Representatives, H.R. 2511, the Adoption Awareness Act, which would help these women learn of the loving alternatives of adoption.

Adoption is a wonderful option because it brings a positive end to what could be difficult circumstances. The birth mother can place her child in a loving family. The child receives a warm and welcome home. An adoptive couple gets to wear one of the greatest titles in America, parent.

If these women only knew that for every abandoned baby there is a couple eagerly awaiting to give that child a home, maybe they would choose adoption. If these women only knew that they could get help in defraying the cost of medical care, maybe they would choose to give birth in a medical facility and make an adoption plan. If these women only knew that there may be unwanted pregnancies but there are no unwanted children, they might have made a different decision.

I commend my colleague from Connecticut for introducing H. Res. 465 because it is important for us to have a better grasp on how many babies are being abandoned all over this country so we can attempt to provide support and hope for these women in need.

Mr. CASTLE. Mr. Speaker, could I inquire as to the time remaining on either side.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Delaware (Mr. CASTLE) has 6 minutes remaining, and the gentlewoman from California (Ms. WOOLSEY) has 9 minutes remaining.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. CALLAHAN).

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

Mr. CALLAHAN. Mr. Speaker, I rise today in support of House Resolution 465 and compliment those that are responsible for bringing this issue to the floor today. It is extremely important.

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

Mr. Speaker, I would like to add to the list of the gentleman from Florida (Mr. FOLEY) of parental responsibilities that could prevent these baby abandonments in the first place, and that is child support.

Possibly, if the mother who is considering abandonment did not feel abandoned by the father of the child, then there would be a team effort to make this child's life a life that the mother could then support.

□ 1200

For certain, H. Res. 465 will give us the information we need on a local, a State, and a national level to prevent baby abandonment. My State of California is also considering legislation in Sacramento on this issue because, as we learn the real numbers, we will learn the real reasons and the causes for child and baby abandonment and we will move on to prevention, so that indeed the harmful effects of baby abandonment will stop and will stop forever. I heartily ask all of my colleagues to support H. Res. 465 and support the end of baby abandonment. I thank the gentleman from Delaware (Mr. CASTLE) for letting me do this as his partner.

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

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from California for her support.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, let me reemphasize how important it is that this resolution be brought to the floor today and how proud I am that those of you that are responsible have taken the initiative to bring it to the attention of the Congress.

We have a program in Mobile that is quite unique. It is a program that already is in effect. It was started by a television reporter in my district. Jodi Brooks of WPMI–TV, Channel 15, helped develop a program that allows a woman with an unwanted newborn to take her baby to an area's hospital emergency room, hand it over to a doctor or a nurse and walk away, no questions asked. It is completely confidential. The district attorney's office has agreed not to prosecute anyone who uses this program as long as the baby is not harmed.

If a newborn is left at the hospital, the Alabama Department of Human Services will seek protective custody and attempt to locate an appropriate resource within the community. The department will assess viable alternatives for placement, including appropriate relative resources. The newborn will be released from the hospital as soon as medical clearance is obtained and an appropriate home is found.

As a result of the Secret Safe Place for Newborns program, many babies have already been served in Mobile, Alabama. Since the program began at the end of 1998, no dead babies have been found in Mobile or the surrounding areas. Moreover, at least four babies have been brought in by their mothers for adoption. I am really pleased that this program started in Mobile, Alabama, but even more pleased that it has spread now to other counties in Alabama and other cities and other States.

In addition, many states are developing programs of their own. I congratulate Texas for having enacted a new law. What this will do is not a Federal unfunded program, it is simply a statistical gathering resource that will be available to encourage every area in this country to adopt such a program as this, because it is a viable alternative to a very horrible situation that is taking place in this country. Once again I rise in total support of this resolution. I urge its adoption today.

Mr. CASTLE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time. I thank my colleague for bringing this resolution to the floor. It is extremely important that we develop a system that responds to the real life needs of young women who have unwanted pregnancies and that the cost of inappropriate births not be borne by the child.

So the kinds of things that are beginning to develop in America where people actually can bring children someplace where they will be safe, cared for and put up for adoption is really a wonderful turn of events. Ultimately we know very little about these babies that are so tragically either abandoned or even worse disposed of in Dumpsters, trash bins, alleys or warehouses.

An informal survey of the Nation's newspapers conducted by the Department of Health and Human Services in 1998 discovered 105 cases of abandoned babies in public places. Thirty-three were found dead. This is simply a tragedy and so unnecessary. I am delighted that a number of cities have thought about how to deal with this problem. State Representative Geanie Morrison in Texas has really worked to bring this to the attention of the Texas legislature. Our own colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), has created a task force in her district in Houston, a billboard campaign and an 800 number so women can get support. I urge passage of this resolution.

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

The gentlewoman from California has been extremely positive in terms of her support as well as the support of everybody from that side of the aisle for this legislation. Everybody on this side of the aisle has supported this legislation. It is very simple. It just calls on local governments and States and the Federal Government to keep statistics on the number of infants abandoned in public places each year. We have heard a lot of stories as to why that should happen. It should happen. I would encourage everybody in the House of Representatives to not only support this legislation today but to make sure it is carried out in their home districts as well.

Mr. STARK. Mr. Speaker, I rise today to point out the hypocrisy of H. Res. 465, a resolution to collect and distribute Statistics on Babies Abandoned in Public Places.

This resolution to count the number of babies that have been abandoned in public places shamefully represents the fact that the

Republican Majority is all talk and no action in helping the children of America. This resolution offers to count the number of children who are abandoned, but provides nothing toward preventing these devastating events from occurring.

I am all for keeping good statistics on America's social problems, however I am more interested in providing funding to programs necessary to address these problems. Teenage pregnancy, parents' substance abuse and lack of access to mental health benefits are the most cited causes by researchers for abuse and neglect of children.

Instead of increasing access to these services, this Congress has denied people access to these services. Last year, Congress reduced the Social Services Block Grant by $125 million. This program has been essential in providing funding for family planning services.

HHS released a report last year that found parental substance abuse to be a problem in 26 percent of child welfare cases. Last year, the Majority House Appropriations bill responded to this report by reducing the funding to the SAMHSA Substance Abuse Block Grant by $115 million under the President's request.

The Majority also refuses to act on bills that increase the affordability and accessibility of mental health benefits to Americans. I have a bill, the National Mental Health Parity Act of 1999, that would require parity for physical and mental private health benefits and increase mental health benefits in Medicare. The Majority has refused to act on it or any other item. This bill is just one of many that attempt to ensure that Americans receive adequate mental health benefits.

I wish the Majority would stop providing resolutions that are nothing more than empty statements. It is time to help the American people and pass substantive legislation to prevent the tragedy of parents abandoning their children in public places. Congress could achieve this by increasing accessibility and affordability to family planning services, mental health benefits and counseling for substance abuse—not through empty resolutions like the one offered here today.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, House Resolution 465.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4051) to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

The Clerk read as follows:

H.R. 4051

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 ''Project Exile: The Safe Streets and Neighborhoods Act of 2000''.

SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.

(a) PROGRAM ESTABLISHED.—Title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) by redesignating subtitle D as subtitle E; and

(2) by inserting after subtitle C the following new subtitle:

''Subtitle D—Firearms Sentencing Incentive Grants

''SEC. 20351. DEFINITIONS.

''For purposes of this subtitle:

''(1) The term 'violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

''(2) The term 'serious drug trafficking crime' means an offense under State law for the manufacture or distribution of a controlled substance, for which State law authorizes to be imposed a sentence to a term of imprisonment of 10 years or more.

''(3) The term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''(4) The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

''SEC. 20352. AUTHORIZATION OF GRANTS.

''(a) IN GENERAL.—From amounts made available to carry out this subtitle, the Attorney General shall provide Firearms Sentencing Incentive grants under section 20353 to eligible States.

''(b) ALLOWABLE USES.—Such grants may be used by a State only for the following purposes:

''(1) To support—

''(A) law enforcement agencies;

''(B) prosecutors;

''(C) courts;

''(D) probation officers;

''(E) correctional officers;

''(F) the juvenile justice system;

''(G) the expansion, improvement, and coordination of criminal history records; or

''(H) case management programs involving the sharing of information about serious offenders.

''(2) To carry out a public awareness and community support program described in section 20353(a)(2).

''(3) To build or expand correctional facilities.

''(c) SUBGRANTS.—A State may use such grants directly or by making subgrants to units of local government within that State.

''SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.

''(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General that complies with the following:

''(1) The application shall demonstrate that such State has implemented firearms sentencing laws requiring 1 or more of the following:

''(A) Any person who, during and in relation to any violent crime or serious drug trafficking crime, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or serious drug trafficking crime, be sentenced to a term of imprisonment of not less than 5 years (without the possibility of parole during that term).

''(B) Any person who, having at least 1 prior conviction for a violent crime, possesses a firearm, shall, for such possession, be sentenced to a term of imprisonment of not less than 5 years (without the possibility of parole during that term).

''(2) The application shall demonstrate that such State has implemented, or will implement not later than 6 months after receiving a grant under this subtitle, a public awareness and community support program that seeks to build support for, and warns potential violators of, the firearms sentencing laws implemented under paragraph (1).

''(3) The application shall provide assurances that such State—

''(A) will coordinate with Federal prosecutors and Federal law enforcement agencies whose jurisdictions include such State, so as to promote Federal involvement and cooperation in the enforcement of laws within that State; and

''(B) will allocate its resources in a manner calculated to reduce crime in the high-crime areas of the State.

''(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

''(1) IN GENERAL.—A State that is unable to demonstrate in its application that such State meets the requirement of subsection (a)(1) shall be eligible to receive a grant award under this section notwithstanding that inability if that State, in such application, provides assurances that such State has in effect an equivalent Federal prosecution agreement.

''(2) EQUIVALENT FEDERAL PROSECUTION AGREEMENT.—For purposes of paragraph (1), an equivalent Federal prosecution agreement is an agreement with appropriate Federal authorities that ensures 1 or more of the following:

''(A) If a person engages in the conduct specified in subsection (a)(1)(A), but the conviction of that person under State law for that conduct is not certain to result in the imposition of an additional sentence as specified in that subsection, that person is referred for prosecution for such conduct under Federal law.

''(B) If a person engages in the conduct specified in subsection (a)(1)(B), but the conviction of that person under State law for that conduct is not certain to result in the imposition of a sentence as specified in that subsection, that person is referred for prosecution for such conduct under Federal law.

''SEC. 20354. FORMULA FOR GRANTS.

''(a) IN GENERAL.—The amount available for grants under section 20353 for any fiscal year shall be allocated to each eligible State, in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all eligible States to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

''(b) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

"SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

''(1) $10,000,000 for fiscal year 2001;

''(2) $15,000,000 for fiscal year 2002;

''(3) $20,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $30,000,000 for fiscal year 2005.

''(b) LIMITATIONS ON FUNDS.—

''(1) USES OF FUNDS.—Funds made available pursuant to this subtitle shall be used only to carry out the purposes described in section 20352(b).

''(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

''(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available pursuant to this section shall be available to the Attorney General for purposes of administration, research and evaluation, technical assistance, and data collection.

''(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

''(5) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

"SEC. 20356. REPORT BY THE ATTORNEY GENERAL.

''Beginning on October 1, 2001, and each subsequent July 1 thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this subtitle. The report shall include information regarding the eligibility of States under section 20353 and the distribution and use of funds under this subtitle.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of that Act is amended—

(1) by redesignating the item relating to subtitle D of title II as subtitle E of such title; and

(2) by inserting after subtitle C of such title the following:

''Subtitle D—Firearms Sentencing Incentive Grants

''Sec. 20351. Definitions.
''Sec. 20352. Authorization of grants.
''Sec. 20353. Firearms sentencing incentive grants.
''Sec. 20354. Formula for grants.
''Sec. 20355. Authorization of appropriations.
''Sec. 20356. Report by the Attorney General.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, today we bring to the House floor legislation that offers a bipartisan, common sense solution to the problem of gun violence. The real heart ache regarding so much gun violence is that it involves avoidable tragedy. Avoidable in the sense that so many gun criminals are back on the streets before they should be and they are then committing additional violent crimes.

The legislation before us today, Project Exile, the safe streets and neighborhoods act of 2000, provides incentive block grants for State criminal justice systems totaling $100 million over 5 years. To qualify, a State must ensure a mandatory minimum 5-year prison sentence without parole for anyone who uses or carries a firearm during any violent crime or serious drug trafficking crime or for a previously convicted violent felon who is caught possessing a gun. The mandatory minimum sentence must be in addition to the punishment provided for the underlying crime. States can qualify through State sentencing laws or an agreement with the Federal Government to prosecute under existing Federal gun criminal laws which carry minimum mandatory sentences.

Project Exile will make neighborhoods and communities safer by promoting tough State prison time for violent criminals who use guns. This proven approach to reducing gun crime combines enforcing the gun laws already on the books and ensuring mandatory minimum sentences for criminals who break them. Project Exile is a common sense approach that is enjoying growing bipartisan support around the country. At the Subcommittee on Crime hearing on this legislation, we received testimony from across a broad spectrum in support of Exile.

It provides some common ground for Congress as we seek to do what we can to address gun violence. I am hopeful that many of my colleagues from the other side of the aisle will join us today to support this responsible enforcement initiative. In States and cities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has gone down.

Getting such criminals off the streets leads to a dramatic reduction in crime and sends an unmistakable deterrent message, we will not tolerate gun crimes. Project Exile builds on the success of the truth-in-sentencing program that Congress has funded over the last 5 years. Truth-in-sentencing is an incentive grant program to support State prisons for States which require convicted violent offenders and drug traffickers to serve at least 85 percent of their sentences. Since the grant program was first offered, the number of States with truth-in-sentencing has gone from five to 27. Most experts credit this program with much of the violent crime reduction reflected in recent national statistics. Funds received by States under Project Exile can be used for hiring and training more judges, prosecutors and probation officers, increasing prison capacity, strengthening juvenile justice systems and for a wide variety of other improvements in State criminal justice systems.

Florida is one of six States which already qualifies for funding under the bill thanks to Governor Jeb Bush's 10–20–Life bill which became law last July. In Florida, if during a crime you pull a gun on another person, you will go to prison for 10 years. If during a crime you pull the trigger, it means 20 years in prison. And if you shoot someone during commission of a crime, you will get 25 years to life in prison. Project Exile encourages other States to follow suit.

I want to make clear that Project Exile is only part of the solution to the gun and school violence problems. These are complex problems that demand comprehensive response. As legislators and as citizens, we must do also what all is within our power to address the strength of families and the health of our culture. We must reform our overwhelmed juvenile justice systems, and we must do much more to enforce gun laws already on the books.

In addition to taking action to make this bill a reality on a national level, certain other measures need to be taken. Such provisions include child safety locks, workable mandatory gun show background checks, a juvenile Brady law, a ban on juvenile possession of assault weapons and a ban on the importation of large capacity ammunition clips.

But let us be clear. Even if we did all of these things tomorrow, we would not really be getting at the problem unless we are serious about enforcing the laws already on the books, there are more than 20,000 of them at the Federal and State level, and making sure that violent gun criminals serve appropriate sentences. Tough mandatory sentences for violent gun criminals must be the cornerstone of any meaningful effort to make our neighborhoods safer.

The success of Project Exile in Virginia where the program was first initiated has been truly remarkable. Prior to Project Exile's implementation, Richmond, Virginia had one of the highest murder rates in the world and an exploding violent crime problem. Since 1997 when Project Exile was begun in Richmond, homicides have dropped 46 percent, the lowest level since 1987; crimes involving guns have dropped 65 percent; aggravated assaults have dropped 39 percent; and the overall number of violent crimes have dropped by 35 percent.

Mr. Speaker, at the hearing on Project Exile, we heard from Rick Castaldo, the father of Richard Castaldo, a Columbine high school student who was shot eight times during the tragic school shooting at Columbine last April. Richard survived but is now paralyzed from the chest down. Mr. Castaldo asked the following

question during his testimony: ''How do we communicate to the public that we are serious about solving the crime problem?'' He suggested the answer to his own question: ''One way is clear: swift and tough prosecution of laws that we already have in this country. Nothing could be more simple and nothing has more of an impact on crime.''

I think most of us in the House and the overwhelming majority of Americans would agree with Mr. Castaldo. Better enforcement of our current laws against gun criminals is not the only thing we must do but it must be a central part of our comprehensive response.

Mr. Speaker, Project Exile will save lives. I ask my colleagues to join me in passing this important bill.

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

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

Mr. Speaker, although this sounds good and makes for a good slogan, this is not good policy. First, this bill goes down the failed road of mandatory minimum sentencing. We have heard anecdotes from proponents of the bill suggesting that Project Exile, like the Shadow, strikes fear in the hearts of evil men. However, we have not been presented with any convincing evidence that mandatory minimums and Project Exile have reduced violent crime to any greater extent than the decrease in Virginia generally without Project Exile.

□ 1215

This fearful shadow, therefore, is just merely a shadow.

Mr. Speaker, mandatory minimums are bad policy for a number of reasons. In the March 17, 2000, letter to the Committee on the Judiciary, the Judiciary Conference of the United States reiterated its opposition to mandatory minimum sentences for the 12th time, noting that the mandatory minimum sentences undermine the sentencing guidelines established by Congress to promote fairness and proportionality, and that far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity because they require the sentencing court to impose the sentence on offenders, when sound policy and common sense called for different punishments.

In addition to being unfair, several studies have reflected the discriminatory impact of mandatory minimums, concluding that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences.

Like the emperor who has no clothes, Mr. Speaker, there is no evidence that these mandatory minimums have worked in the city of Richmond. The evidence has been shown that the violent crime rate under mandatory minimums is not affected. Several studies have concluded that. The Rand study, for example, showed that mandatory minimums essentially wasted the taxpayers' money because there were much more effective ways of reducing crimes than mandatory minimums.

The mandatory minimums associated with Project Exile show no better results. The proponents suggest that the violent crime rate has gone down 39 percent in the city of Richmond under Project Exile. At the same time it went down 43 percent in Norfolk, 58 percent in Virginia Beach and 81 percent in Chesapeake without Project Exile.

Even if Project Exile had some value, this bill is simply inadequate. According to the sponsors, only six States would qualify for funding under the bill, and even if 10 States qualified, the funding is only for $10 million on average per State, and simple math at $25,000 per year per incarceration would reflect that each State could only incarcerate about five additional defendants per year.

In the city of Richmond we have over 3,000 people in jail today, and incarcerating a handful more certainly is not a serious attempt to reduce the overall crime rate in the Commonwealth of Virginia or across our Nation.

Accordingly, Mr. Speaker, I oppose the use of this costly, unfair, ineffective mandatory minimum sentence. If we are going to be serious about doing anything about crime, we should take the common sense approach recommended by the Bipartisan Task Force on Juvenile Crime, which encourages us to use funds for prevention and early intervention programs that have been proven to reduce crime, and we should ignore the rhymes and slogans which are ineffective and waste the taxpayers' money. We can start doing that by voting against this bill.

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

Mr. MCCOLLUM. I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), the author of a predecessor bill to this one.

Mrs. MYRICK. Mr. Speaker, in my hometown of Charlotte, North Carolina, a disturbing number of criminals are set free because of a lack of funding for prosecutors in the court system. It also seems that every day we are reading about another story of some gun-toting criminal committing a violent act against a law-abiding citizen.

A recent news item tells the story of a young man in our city who began a life of crime at the age of 8. By the time he was 16, he was carrying a gun. In the 20 months after his 16th birthday, he was arrested seven times, but none of those arrests resulted in jail time. In April of 1997 he was walking free, carrying a gun, when he began to punch a man sitting in his car. As the man drove away trying to escape, the thug fired two shots. The police caught him, but again he was released on bond. Two months later he shot a man in the thigh. Prosecutors dropped the case. Finally, two weeks later, he shot and killed a 38-year-old man after an argument. At long last a guilty plea helped put this lifelong criminal in jail. In a jailhouse interview, the murderer explained how easy it was to avoid serving time.

Under Project Exile this gun-carrying criminal would have served hard time much earlier and may have been deterred by the tough mandatory minimum sentences the bill would impose.

We must conduct a two-pronged assault on these problems. Project Exile does just that. If States enact the laws, violent criminals and drug traffickers with guns will pay a price for their crime. In return for the strict laws, the States will get critical funding for law enforcement and prosecution, and the key here is that the funding can be used wherever the community needs it, which is not the case in most of the things that we do up here.

As I showed in my Federal mandatory minimum sentencing bill last Congress, I strongly favor a zero tolerance approach for gun violence. I urge all of my colleagues to pass this bill unanimously, as they did that bill last year.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to commend the gentleman from Virginia (Mr. SCOTT), who has followed this measure more closely than most, because it has never had a fair chance for a hearing in the House of Representatives or in the Committee on the Judiciary.

Mr. Speaker, this bill has a certain measure of incorrectness about it, and I think the Republican leadership knows it. It is a measure endorsed by the National Rifle Association, and I think it is a kind of way of getting political cover for us not taking action on the gun safety measures that are before us, because here the Republican leadership has aborted the normal legislative process.

Here is a measure before the House that has never had a markup in a subcommittee of the Committee on the Judiciary, has never had a markup or hearing in the full committee, and in the Committee on Rules there was no rule. This just went straight to the floor. There must be a reason for this, and I am the one that has been assigned to raise this now.

Why have we thrown the regular legislative process away to get this measure before the House today? I think it is happening because the majority fears that amendments that we have on enforcement and gun safety would unveil this bill for the fraud that it is. They know this because of the way our alternatives, the Democratic alternatives, have uncovered the posturing of the National Rifle Association and the majority who have sponsored gun safety initiatives.

Now, what is wrong with this bill? Number one, because only six States

would qualify for funds, funds so small, as the gentleman from Virginia (Mr. SCOTT) has indicated, they would never be sufficient to do the job; because those States that do use the funds can use them for any purpose that they choose, including carpeting of judges' offices, paving tennis courts, or anything, you name it; there are no restrictions, and because this bill continues to parrot the NRA line that we cannot close the gun enforcement loopholes in the law that allow criminals to rearm with guns and ammunition by utilizing the ''restoration of rights'' loophole. In other words, they pit gun safety versus prosecution of gun violations.

I say that enforcement of the law and gun safety are not positions that we have to choose between. We can have both. That is what we want to do. So we know the majority in this Congress is using this process really as an excuse to thumb their nose at the American people, who want both gun safety and enforcement legislation. We can and should have both. Somehow they are saying that process prevents them from coming to a conference meeting on the bipartisan gun show loophole that is begging to be closed.

Mr. Speaker, I do not think the people are going to be fooled, because they know that our leadership now is in the throes of the NRA's control. This leadership is being run on this subject by the NRA. They reject the idea we can have gun safety and gun enforcement, and the truth is we can have both. The truth is that we need both; and if we are to do enforcement, it should be real, and not just the political cover that this bill represents.

The gentlewoman from New York (Mrs. MCCARTHY) and I have introduced the Enforce Act. This bill does nothing to crack down on the bad apple gun dealers, the 2 percent who are responsible for up to half the guns that are traced back to crime. They cannot do that because the NRA continues to resist any attempts to crack down on bad-apple dealers.

Unlike the Enforce Act, this bill does nothing to fund the agencies with responsibility for investigating gun crimes, like ATF, Alcohol, Tobacco and Firearms. They cannot do it because, again, the National Rifle Association does not want it. They call the ATF ''jack-booted thugs,'' but we still will not give them the resources that they need to do the enforcement that is being complained about.

Unlike the Enforce Act, this bill urges Federal prosecution of gun crimes without providing any money for the Federal prosecutors' need. Unlike the Enforce Act, this bill provides money to States that does not even have to be used for enforcement, but instead could be used for any purposes whatsoever.

The Republican leadership wants us to forget that they have been promising to call a gun safety conference since August 5, 1999, and that the anniversary of Columbine is fast approaching without enacting into law a single piece of Federal gun safety legislation. But this bill does nothing to close the loophole that allows criminals to buy guns at gun shows. This bill does nothing to require child safety locks. This bill does nothing to ban the importation of large-capacity ammunition clips.

REQUEST TO OFFER AMENDMENT TO H.R. 4051

Mr. CONYERS. Mr. Speaker, it is for that reason, Mr. Speaker, that I ask unanimous consent to offer the Senate-passed gun safety provisions as an amendment to this bill.

The SPEAKER pro tempore. Under suspension of the rules, any amendment is to be included in the original motion, in this case by the gentleman from Florida.

The Chair will not entertain other proposals to amend.

Mr. CONYERS. Mr. Speaker, in that case, then I would like to ask unanimous consent to offer the McCarthy-Conyers measure called the Enforce Act as an amendment in the nature of a substitute to this bill.

The SPEAKER pro tempore. To the gentleman from Michigan, the Chair can only reiterate what was said before. Under suspension of the rules, any amendment is to be included in the original motion, in this case by the gentleman from Florida.

The Chair will not entertain other proposals to amend.

Mr. CONYERS. Mr. Speaker, what I am finding out then is that we are now using the rules to prevent any amendments and alternatives to this measure whatsoever from our side of the aisle. Is that correct?

The SPEAKER pro tempore. The pending motion is not amendable.

□ 1230

Mr. CONYERS. Mr. Speaker, we regret the process. We have never been to the Committee on Rules. We have never been to the full committee, the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. EHRLICH), who has been a principle author of this bill and a cosponsor.

Mr. EHRLICH. Mr. Speaker, five quick points.

One, congratulations to the chairman, the gentleman from Florida (Mr. MCCOLLUM). It is a terrific bill.

Secondly, I share concerns with respect to mandatory minimum sentences. However, when it deals with gun-toting criminals, felons who are caught with guns, minimum mandatory sentences are clearly appropriate.

Third, contrary to what we just heard, the NRA and Handgun Control supports Project Exile. Handgun Control supports Project Exile.

Fourth, contrary to what we just heard with respect to allowable uses under Project Exile, under this bill we have police prosecutors, courts, probation officers, the juvenile justice system, prison expansion, criminal history record improvements, and case management program innovation. They are allowable uses under this bill.

Fifth and finally, Mr. Speaker, my personal road here is an interesting one. I have complained an awful lot in this House about the failure of both sides to talk about gun control effectively.

I heard a year and a half ago about Richmond. I have gone down to Richmond. I have talked to the prosecutors, the Governor, the gentlemen down there. It just works. It may not be the gun control agenda from the left, but Project Exile just works, and it works because the State legislature is involved passing statutes that comport with the Federal statutes so we do not federalize the criminal justice system, prosecutors work together. Egos are put aside, unbelievably, in this town so that State and Federal prosecutors work together. Thirdly, the private sector funds the communications effort that educates the bad guys that they should not carry guns on the streets. That is what the minority party opposes today.

Mr. Speaker, this is a great piece of legislation. I again congratulate my good friend, the gentleman from Florida (Mr. MCCOLLUM).

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I am sorry that we were not able to work together on this bill, because I think it could have been even a better bill than what it is. I will support H.R. 4051 with the hopes that when it gets to the Senate, that we can improve it to the point where it will help all 50 States.

Members need to understand what they are voting on today. This Project Exile bill is not the same Project Exile program as most Members know it. The Project Exile program that occurred in Richmond, Virginia, was a successful Federal, State and local partnership to increase gun prosecutions.

The legislation before us block grants more than $1 million to just six States over 5 years. These States include Virginia, Florida, Texas, Colorado, Louisiana, and South Carolina, according to the bill's sponsor. That leaves 44 States without funding to enhance gun enforcement.

I personally think if we are going to do this, all the States should be involved in this. The legislation permits these six States to use the money on gun enforcement. They could also use it on juvenile justice programs, correction officers, and public awareness programs.

Earlier this year, the gentleman from Michigan (Mr. CONYERS) and I introduced legislation supported by the

Clinton administration. It is called the ENFORCE bill, and it is a comprehensive gun enforcement bill that affects all 50 States and costs $280 million.

Let me tell the Members what H.R. 4051 does not do that our bill does do:

First, H.R. 4051 does not fund a single ATF agent or inspector. ENFORCE funds 600 ATF agents and inspectors.

We constantly talk about that we are not enforcing the laws that are already on the books. Our bill would do that.

Second, H.R. 4051 does not fund a single local, State, or Federal gun prosecutor. ENFORCE funds more than 1,100 local, State, and Federal gun prosecutors, everyone working together to make our State safer.

Third, H.R. 4051 does not close the loophole that now permits felons to get their gun rights back. ENFORCE does close this loophole.

Fourth, H.R. 4051 does not fund the National Forensic Ballistics Network to assist law enforcement in solving crimes. ENFORCE funds the national ballistics network.

We have already spent considerable time during the 106th Congress when it comes to gun safety legislation. The House leadership has brought this bill to the floor today by short-circuiting the legislative process. The gentleman from Illinois (Chairman HYDE) from the Committee on the Judiciary chose neither to have a subcommittee markup nor a full committee markup. He has denied Members of this House the right to offer floor amendments.

H.R. 4051 is a start. It will assist a selected group of States with gun enforcement. It is my hope that working with the gentleman from Florida (Mr. MCCOLLUM) and others in the Senate, that we could amend H.R. 4051 with ENFORCE to bring more gun enforcement to all 50 States.

If we are going to make a commitment in this House to reduce gun violence in this country, we should have had the opportunity to work together so that all 50 States could make sure we are all on the same page. So I support this amendment, but I hope we can make it a better amendment.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that time on this debate be extended by 20 minutes, equally divided.

Mr. MCCOLLUM. Mr. Speaker, reserving the right to object, I yield to the gentleman from Virginia to please explain what he is asking.

Mr. SCOTT. Mr. Speaker, I request 20 additional minutes of debate, to be equally divided between the majority and the minority.

Mr. MCCOLLUM. Reserving the right to object, Mr. Speaker, we have a legislative schedule to keep today. I understand that we would not be able to do that if we yielded or agreed to it.

Mr. Speaker, I regrettably must object. I do object.

The SPEAKER pro tempore (Mr. HANSEN) Objection is heard.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), one of the principal cosponsors of this bill.

Mrs. WILSON. Mr. Speaker, I want to thank and commend the gentleman from Florida (Mr. MCCOLLUM) for bringing forward this bill, and also the gentleman from Maryland (Mr. EHRLICH) for his leadership on this issue.

I have to admit that I did not initially hear about it from them. I heard about this issue and this project from my Community Crime Advisory Council in Albuquerque, New Mexico. It was Ray Wilkinson, who volunteers with a group called Student Pledge Against Gun Violence, that initially brought this to my attention. He told Eileen Maddock, who is with the Metro Crimestoppers in Albuquerque, and we talked about it there in the community first.

It has the support of my sheriffs, Joe Bowdich in Bernalillo County, and Pete Golden out in Torrance County, and the chief of police of the Albuquerque Police Department, Chief Galvin. So this is not about a Washington bill, it is about how we get States and D.A.s and the Federal government and the U.S. Attorneys to start working together to prosecute and give a hard time to armed crime.

There is a little neighborhood in my district called the Trumbull La Mesa neighborhood. Charlene and Don Gould are the head of the Trumbull Neighborhood Association. That neighborhood has been troubled for a long time with drug dealers and real serious problems with folks who are moving in and out of that neighborhood and causing all kinds of problems.

They got together the landlords and the cops, and they started taking back their neighborhood from the drug dealers. One of the problems that they have had is that they go down to the courts and watch these guys who have gotten arrested turned back into their neighborhood with a slap on their wrist when they have been doing serious drug trafficking offenses with weapons. It is time those people spend at least 5 years behind bars for trafficking drugs in our neighborhoods to our kids.

We talk about mandatory minimums, here. I am one that believes in judicial flexibility, but I have to tell the Members, this idea that somebody who uses a gun to murder somebody, rape somebody, aggravated assault, serious drug trafficking, or robbery, and 5 years is too much?

If one uses a gun in a crime in my neighborhood like that, I do not want to see that person back. It is time to stop the revolving door of justice in this country and put these people away in Federal prison or State prison, or any way we can.

I want to commend the gentleman from Florida for his leadership. Ultimately, this is not so much about sentencing as it is about fear. We live in the freest country in the world, but if we are afraid to walk around our neighborhoods at night, then we are not really free. It is time to restore freedom to normal, everyday Americans so that they can let their kids play outside in their front yards.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER), a member of the Committee on the Judiciary.

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

Mr. Speaker, it is truly heartening to sit on this floor and watch my colleagues on the other side of the aisle trip over themselves to embrace Project Exile and find a way to somehow do it without giving credit to the creators of the program. Project Exile, as we all know here, is a Clinton administration policy. It was put into place by a Clinton-appointed U.S. Attorney.

There are good reasons why my friends are rushing to adopt Clinton's crime-fighting strategies. Simply put, they have been the most successful in history. Violent crime has dropped 20 percent between 1992 and 1998. Since 1993, funding for State and local law enforcement has increased by nearly 300 percent, due in large part to the crime bill that so many of my Republican friends oppose.

Twenty-two percent more criminals are incarcerated for State and Federal weapons charges than when the Clinton administration took office. The number of prosecutions has increased by more than 34 percent under the Clinton administration. The bottom line is this chart. Since 1992, violent crimes with firearms have dropped precipitously under Bill Clinton and Janet Reno.

But my friends, as they try to ride the Clinton coattails on crime, they have made some mistakes, some omissions. First, they have left out the other half of the crime-fighting plan, and that is reasonable gun control legislation, gun locks, an enhanced Brady law.

I could not help noticing they also left out about 40 States. Surprise, Florida is not one of them. I am shocked that Texas is one of the States that is eligible. Apparently, if one's Governor is not named Bush, they really do not need to apply to this program this year.

I just hope, Mr. Speaker, that when this Clinton Project Exile comes to Florida and comes to Texas, I hope Governor Jeb and Governor W. stand up and invite Janet Reno to the press conference, because she deserves the credit for the results.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. BARR), a member of the committee.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Florida for his leadership on this issue.

Mr. Speaker, this is a very unusual program that we are talking about here today, Project Exile. It is a project that we have heard through testimony and through action that is supported by both ends of the gun control spectrum; by the grass roots organization, the National Rifle Association, on the one hand, and Handgun

Control on the other. Both organizations have come together in Richmond in support of Project Exile because, as the gentleman from Maryland stated, it works. It simply works.

We had the Clinton administration last year and again this year testify before committees of this Congress, and far from not giving them credit, we are eager to give the Clinton administration credit for Project Exile as it has been instituted in Richmond, Virginia, which is simply a program using existing resources and existing laws to prosecute criminals who use firearms. It is not a program that clamored for new laws and massive new funding. Perhaps that is why those on the other side of the aisle do not like it.

However, what we have also urged the Clinton administration to do is to learn from its success, to use this program, put politics aside, put the gun control agenda aside, and help the American people through replicating Project Exile in communities across America.

In the absence of support from the Clinton administration, the chairman of this subcommittee and others are putting forward a commonsense approach to help communities across America and States across America support Project Exile as it has worked in Richmond. Let us make it work across this land by supporting this legislation.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary.

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

Here we go again. If it is an election year, then it must be time to pass another mandatory minimum sentencing law. Today the Republican leadership has decided to put H.R. 4051 on suspension because they do not want a real debate on the gun control issue.

What this bill would really do is placate the NRA's demand for a meaningless gun law. Nothing in this bill provides for a mandatory background check, gun locks, or closing the loophole in gun show laws. A minor could go to a gun show and buy a gun, get into a brawl, brandish the gun, and end up with mandatory minimum sentencing and even be tried as an adult at 14 years old.

Instead, this bill would establish a grant program that provides $100 million over a period of 5 years to those States that have enacted a mandatory 5-year minimum sentencing for firearm offenses. We know that mandatory minimums do not work. We are witnessing the abysmal failure of mandatory minimum drug sentences, and now the Republican leadership wants to extend that failure to the gun area.

Studies conducted by the Rand Commission and the Judicial Center clearly show that mandatory minimums fail to prevent crime, distort the sentencing process, and discriminate against people of color and low-level offenders. Even the conservative Supreme Court Justice Rehnquist has criticized Congress' reliance on mandatory minimum sentences.

If the Republicans want to prevent senseless deaths they would support the McCarthy-Conyers bill, which incorporates the administration's $280 million gun enforcement initiative that would fund 600 new ATF agents, over 1,000 additional Federal, State, and local gun prosecutors, forensic ballistics testing and smart gun technology research & development.

□ 1245

Unfortunately, this is an election year. That means that crime will once again be politicized for cheap political gain. The Million Mom March will be here, and they will not be tricked or fooled by this legislation.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 4051, The Safe Streets and Neighborhoods Act of 2000. This bill will authorize incentive grants to States which impose 5-year mandatory minimum sentences on convicted violent felons who possess firearms or on anyone who uses a firearm in the commission of a violent felony.

This program has proven its worth by imposing swift and serious consequences on armed criminals and produced results demonstrating that prosecution is prevention. A recent poll has shown that only 2 percent of Americans would like to see more gun control legislation coming out of this Congress, whereas a vast majority would like to see rigorous prosecution of criminals who commit crimes with a weapon.

The recent case of Joseph Palczynski is an excellent example, after multiple convictions for violent crimes, some with a weapon, he ultimately killed four people and held three people hostage for many weeks in Maryland. That man should have been behind bars. This legislation is needed. I recommend its strong support.

The SPEAKER pro tempore (Mr. HANSEN) The gentleman from Virginia (Mr. SCOTT) has 1 minute remaining, the gentleman from Florida (Mr. MCCOLLUM) has 4½ minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas, (Mr. HUTCHINSON), a member of the committee.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me the time, and I appreciate his work on this important bill.

Mr. Speaker, I am pleased to support Project Exile, The Safe Streets and Neighborhoods Act. Let me first make a couple points that this is not a mandate upon the States. I read the bill, I was concerned about that. It is not a mandate. It is an incentive program that if the States want to utilize this $100 million, then they will have to comply with the mandatory minimums for crimes of drug trafficking or violent crime that have a gun.

To my friends on this side of the aisle, I just heard the gentlewoman from California object about mandatory minimums, and I share their concerns that we should not extraordinarily expand mandatory minimums; I think that moves us in the wrong direction. If my colleagues believe there is a problem with the use of guns in this country, if they believe that is the case, then surely, a mandatory minimum of 5 years is appropriate, is appropriate to deal with the problems of violence and criminals using guns.

I think it is a strong statement. It addresses a serious national issue and, therefore, I think it is appropriate, this one area for a mandatory minimum. I have seen how it works in Federal court wherever we have a marijuana patch in Arkansas in which a person uses a firearm to protect that marijuana patch, they have a mandatory minimum of 5 years.

Will it work? I believe that that discourages the use of firearms, the illegal use of firearms, the criminal action with firearms. I believe that it is certainly important. It is appropriate for the States.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MCCOLLUM) has 3 minutes remaining, the gentleman from Virginia (Mr. SCOTT) has 1 minute remaining.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in support of this bill. I thank my colleague for yielding me the 1 minute. Project Exile first started in Richmond, Virginia, and it has overwhelming success. In my home State of Texas, we have started the only Statewide version of this innovative crime-control program. Hopefully, that is why Texas is one of the States that was selected to participate.

Last fall, Texas State officials launched Texas Exile, which has assigned eight new prosecutors to major Texas cities. Their sole purpose is to lock up criminals who use guns to commit crime. To date, the program is responsible for 197 arrests, 115 indictments, 10 convictions, and 632 guns confiscated.

The word on the street, it is on the street. Just last week, when Austin police arrested a career criminal with a gun, they asked him why he ran from the scene, his response was ''I heard about that new program that would get me 5 extra years in jail.''

It is about time that the criminals, not citizens, are the one running scared. Thanks to this program, they are. And in Texas, criminals know that gun crime means more hard time in Texas.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York, (Mrs. MALONEY).

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

Mrs. MALONEY of New York. Mr. Speaker, I rise today to protest the House leadership's continued refusal to enact reasonable gun safety legislation.

We are now one week from the first anniversary of the tragedy at Columbine. But instead of reasonable legislation that requires child-safety locks on all guns, closes the gun show loophole, and bans large-capacity clips the Republican leadership is putting forward a limited half-measure that will only help six states.

Does the Republican leadership truly believe that only children in those states deserve to be protected from gun violence?

Mr. Speaker, this legislation will do nothing for the victims of gun violence in my state. It will not help the thousands of New Yorkers who are victims of gun violence. It will do nothing to prevent criminals from buying guns at gun shows. It will do nothing to prevent another six year-old from bringing an unlocked gun to school.

Mr. Speaker, before another child dies from senseless gun violence we must take action. I implore the leadership of the Congress to move forward with reasonable gun-safety legislation.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, this is a sad, sad day for the American people. Because as the first anniversary of the Columbine massacre approaches, we in Congress have done nothing. We have done nothing to close the gun show loophole. We have done nothing to keep guns out of the hands of children and criminals. And we have done nothing to support our state and federal governments as they enforce existing gun safety laws designed to keep our streets and schools safe.

And I'm sorry to say, that today's offering from our Republican leadership is more of the same—nothing. This bill, jammed down our throats with no opportunity for serious debate or amendment, will not fund 500 new ATF agents, it will not fund 1,000 federal, state, and local gun prosecutors, and it will not fund ballistics testing and smart gun research. The ENFORCE bill, which I have cosponsored and which we have not been allowed to debate today, will. And while this bill thankfully will not reverse existing gun safety or enforcement measures—it is merely a drop in the bucket compared to what the American people deserve from Congress.

We have been waiting for nearly a year, as the Republican leadership has delayed and procrastinated in doing anything about the problem of gun violence in our society. And, at long last, this is what they offer the American people? They should be ashamed.

Those of us who have been fighting this fight, who believe the American people deserve more than the smoke and mirrors they are getting from the other side of the aisle, will continue to work toward making real progress on reducing gun violence. I urge my colleagues to make this bill a point of departure, not a destination. I am voting for this bill but let's not stop until we have passed the real gun safety and enforcement measures that our country deserves.

Mr. SCOTT. Mr. Speaker, although there was no subcommittee mark and no committee mark, we have been denied an extension of time. Everybody knows this is a waste of money.

Mr. Speaker, I have one speaker remaining within the time period. I yield that 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me the time.

This is difficult. Mr. Speaker, I wish we had more time to discuss this issue, primarily because I agree with my colleague, the gentleman from Arkansas (Mr. HUTCHINSON), this is an issue that is tragically impacting Americans, guns in America.

I say to the gentleman from Florida (Mr. MCCOLLUM), I would like to work with the gentleman, but the difficulty that we have with this legislation is that it should have gone through the committee process. It is good legislation, to the extent that it would have the ability of having the input of all of the Members to be able to design and craft legislation that would address the question of gun prevention, gun safety in this Nation, along with the enforcement of gun laws against those who would use them illegally.

What we have in Project Exile is the opportunity to serve only a few States. Yes, I stand here from the State of Texas, but not the 44 other States. Tragically every single day, gun violence occurs.

What do we do to the 9-year-old in my community that lost his life because he had a gun accidentally held in his hand? This bill does not answer those concerns and I would appreciate if we could work collaboratively together, Mr. Speaker.

I would hope that we would pass gun safety legislation, gun prevention and gun laws.

Mr. Speaker, I rise to take a moment to discuss the abuse of the legislative process by certain members of the majority.

The latest abuse of the legislative process is represented by H.R. 4051. ''Project Exile: The Safe Streets and Neighborhoods Act of 2000.'' The bill is sponsored by Representative MCCULLUM.

The Subcommittee on Crime held a hearing on April 6 concerning this legislation, but has taken no further action on this legislation. Indeed, the legislation was not even scheduled for an ordinary mark-up. The Republicans have placed this legislation for consideration on today's suspension calendar so that no one can debate the merits of the bill.

In the past week, the Judiciary Republicans have regrettably abused the process in the same way on the Partial Abortion bill and the constitutional amendment on tax increases, scheduled for later this week.

This procedural gamesmanship is designed because Republicans fear a debate and vote on Democratic and Administration alternatives. They do not want too much discussion about their failure to allow debate about meaningful gun control legislation.

H.R. 4051 is the latest in a series of efforts by opponents of common senses gun safety measures like those passed by the Senate last year to shift the focus away from resources like the legislation that would close the gun show loophole that is currently bottled up in the juvenile justice conference.

Project Exile was established in 1997, in response to Richmond, Virginia's homicide rate. The goal was to reduce gun violence by changing the culture of violence by using a multi-dimensional strategy, which includes a law enforcement/prosecution effort as well as community outreach and education programs.

An essential part of the project has been an innovative community outreach/education effort through various media to get the message to the criminals about this crackdown, and build a coalition directed at the problem. The program has been very successful, increasing citizen reports about guns and emerging the community to support police efforts.

Project Exile soon became a symbol of a successful enforcement effort that involved exclusive prosecution of gun enforcement. That has, unfortunately, come for at the expense of an emphasis on gun prevention.

Indeed, Project Exile's appeal as a symbol for gun enforcement has prompted state officials to develop their own versions at the state level, including in my state.

Unfortunately, the ''Project Exile'' legislation would not allow Democrats to address the fact 44 states will not qualify for funds, that federal funds can be used for as trivial purposes as carpeting judges offices, and that the Republican proposal is altogether too barren and fails to close enforcement loopholes.

The bill reflects the NRA's common approach to deceive the public into thinking that we should simply enforce the laws already enacted to make streets safer.

Specifically, H.R. 4051 would (1) provide resources to states that ensure a mandatory minimum sentence of five years (without parole) for any person who uses or carries a firearm during a violent crime; (2) requires that the mandatory minimum sentence must be in addition to the punishment provided for the underlying crime; and (3) gives states the option to prosecute offenders in either state or federal court, so long as the states ensure that mandatory minimum sentence of five years is served.

The Republicans are pushing this legislation to the floor as a matter of pure politics. The arrival of the one-year anniversary of the Columbine Massacre on April 20 has basically given the Republicans the impetus to do something, however hollow regarding real common senses gun control it may be.

H.R. 4051 imposes stiff 5-year mandatory minimum sentences in addition to the punishment for the underlying crime.

This is especially objectionable to Democrats because in there is a strong perception that federalizing all crimes gun crimes in Richmond and in other cities has had a disproportionate effect on African Americans, because prosecuting them in federal court changed the composition of the federal juries and resulted in stiff 5-year mandatory minimum sentences.

''Texas Exile,'' modeled after the Virginia model, will be implemented in my state over the next two years. The goal of Texas Exile is the reduction of gun violence statewide by targeting criminals who use and carry weapons. This prosecution effort will be complemented by a public awareness campaign which markets the message to criminals that if they illegally possess or commit a crime with a gun, they will go to prison for a significant period of time.

Law enforcement officials from my state say they have scheduled meetings with U.S. Attorneys, District Attorneys, Mayors, and Police Chiefs in several cities in Texas, including Houston, to discuss implementation to Texas Exile.

As officials begin to gather statistics on the number of prosecutions relating to Texas Exile, I am concerned that not enough community outreach and education will be devoted to education about gun prevention.

Programs that empower citizens to keep guns away from their communities can work if they work in strong collaboration with local and federal officials.

Finally, statistics show that the record on enforcement of existing gun laws in Texas is less than ideal.

In Texas, many cases have not been prosecuted despite Governor Bush's efforts to show the effect of solid enforcement of existing gun laws in Texas.

Data indicates that between January 1, 1996 and August 31, 1999, 2658 applications for concealed carry licenses were denied. As many as 771 of these denials were because the applicant was a convicted felon (including applicants from people who were convicted of sexual assault of a child, homicide, attempted murder, indecency with a child, and aggravated assault with a weapon).

Because they as already taken the prerequisite safety course, they had broken state law by possessing a gun. As was made clear last week during the Subcommittee on Crime of the House Judiciary Committee, the Texas government officials have not yet responded as to why any of these 771 people had not been prosecuted since 1996.

Without a coordinated approach that includes community outreach and education regarding gun prevention efforts, we will not obtain the results we seek in reducing gun violence in America.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank everybody for this debate today. I realize there are some differences about what we should be doing today or not be doing today, but I have heard very little real criticism of the substance of this legislation but rather there are concerns that there are other things that could help in the effort of gun violence. I think all of us would agree there are other things. Certainly more funding for the Bureau of Alcohol, Tobacco and Firearms would be helpful, and I would support an appropriate level of increase in that.

We have already talked about the need for trigger locks and for other gun safety measures which are in other pieces of legislation that are pending right now, but today we have a chance to pass a bill, a bill that will provide incentive grants to the States to do something that we know is proven and effective to stop gun violence.

The real heartache, as I said earlier, regarding so much violence with guns involves avoidable tragedies, avoidable in the sense that many gun criminals are back on the streets before they should be and they are committing additional violent crimes.

This bill today provides $100 million in grants to the States that are willing to pass laws that assure that those who carry or use guns in violent crimes have to serve at least a minimum mandatory 5-year sentence without parole, in addition to any underlying sentence, or that they must agree in some manner to prosecute those felons that are back out on the streets who carry a gun or possess a gun, whether they are committing a crime or not. I think that that is a very positive step.

We have seen the results in Richmond and elsewhere on Project Exile which is what this is today. We should pass these incentive grants to encourage States to do that and, no, all States do not qualify, only six do, but that is the whole idea.

When we did Truth in Sentencing, we went from 5 to 27 States that had those laws that now require those who commit violent crimes to serve at least 85 percent of their sentences. If we pass this incentive grant program today, we should go from at least the 6 States who qualify to the 27 and probably a whole lot more when this bill is law that have a provision that says that if one commits a crime carrying a gun or using a gun they are going to have to serve a minimum mandatory sentence of at least 5 years.

Ms. LEE. Mr. Speaker, I rise today in strong support of the motion to instruct the conferees on the Juvenile Justice bill.

These laws would help bring an end to the unnecessary deaths occurring among our children; unfortunately, we have seen too many massacres, too much heartbreak and too many tragedies, sometimes, even at the hands of our children.

We promised the American people common sense gun control legislation. We have not delivered on that promise. In fact, we have gone in the other direction—engaging in a war of words only. Two weeks ago, the Congress had an opportunity to act responsibly and at a minimum insist that the conferees to the juvenile justice bill meet immediately. Yet the motion was pulled from the calendar.

In my district, in Northern California, the Oakland City Council has taken a strong stance on gun control. They are putting human lives first by prohibiting the sale of compact hand guns, penalizing firearms ''straw sales,'' and prohibiting people under the age of 18 from entering establishments that display firearms. Yet here in Congress we won't, even take the minimum steps, such as child safety trigger locks, to ensure the safety of our children.

We can no longer afford to play partisan politics while so many children's lives remain at stake. The Juvenile Justice Conferees must meet immediately. Congress must pass common sense gun control legislation and deliver on its promise.

Ms. STEARNS. Mr. Speaker, today we are taking a positive step toward effectively addressing gun violence. H.R. 4051, fashioned after the successful enforcement program in Richmond, VA, will send the message to criminals that an illegal gun will get you an automatic 5 year sentence without parole.

Under this bill, States like Florida that have similar firearms laws would qualify for funding under this legislation. The grants can be used to strengthen all aspects of the State's criminal and juvenile justice systems.

This is a commonsense approach to curbing gun violence. We are not just throwing money at new federal agents, we are addressing this issue at the State and local level—where it counts. Giving those States with tough firearms laws the assistance to aggressively enforce them, and helping other States adopt similar laws so that eventually, every criminal will know that wherever he travels within the U.S., if he has an illegal firearm—he is exiled to prison.

Mr. REYES. Mr. Speaker, I rise in strong support of this bill.

Gun violence is a growing concern of the public. We have watched with horror as gun related incidents have taken place around the country. With multiple shooting at our schools, community centers, in the workplace, and in every part of the country, we have tragically seen innocent victims injured and killed from gunfire. While some of these have been isolated incidents with a variety of circumstances, it is wake up call that more must be done to stem gun violence and deter those who would freely carry weapons and use them to commit acts of violence.

In response, Project Exile has established itself as an excellent initiative to address this problem, having originated in Virginia and now being replicated around the country, and specifically in my state of Texas.

Project Exile, establishes five year minimum mandatory sentences for carrying or using a gun during the commission of a crime. It also establishes greater coordination between state and federal prosecutors, so that prosecutors can more readily access the heavier sentences available under the federal sentencing guidelines. As a consequence, Project Exile works because it brings together all of law enforcement—local, state and federal law—to focus on the illegal use of guns along with stiff sentencing. As someone who spent over 26½ years in law enforcement, I can tell you that the threat from gun violence requires this kind of coordinated approach from law enforcement and the community.

Since the Texas Exile program was initiated at the beginning of this year, we have already seen positive results from this approach.

The Safe Streets and Neighborhoods Act which we are considering today, provides an important incentive to other states to replicate Project Exile for their state residents. By providing $100 million dollars in incentive grants to those states implementing Project Exile through this bill, we establish a national initiative to aggressively prosecute and sentence gun offenders.

In conclusion, with passage of this bill I am convinced that we put criminals around the nation on notice that if they use a gun during the commission of a crime they will face extremely aggressive prosecution and lengthy sentences without parole upon conviction. In this way we can reduce violent crime not only in Virginia and Texas, but around the country.

I therefore support this bill, and ask my colleagues to vote for its passage.

Mr. CROWLEY. Mr. Speaker, I rise today to express my serious concerns with H.R. 4051, Project Exile, the Safe Streets and Neighborhoods Act.

Project Exile is a worthwhile program that provides collaboration between federal, state and local law enforcement, along with community involvement. Too bad H.R. 4051 only seeks to link itself to Project Exile in name and does not take this lesson to heart. H.R. 4051, despite its stated intentions, will not do enough to keep our streets safe and keep guns out of the hands of criminals and children.

In 1998 Congress appropriated $1.5 million to provide Philadelphia prosecutors with funding to help combat gun violence. However, H.R. 4051 provides only $10 million for all of the States eligible for grants under this program. Clearly, this level of funding is insufficient to address the monumental problem of gun violence in our society.

Now, I agree with the supporters of this legislation in one key respect, the U.S. Congress must provide enhanced resources to enforce existing gun control laws.

That is why I have joined with Ranking Member CONYERS, Congresswoman CAROLYN MCCARTHY and a number of my colleagues in supporting H.R. 4066, the Act for the Effective National Firearms Objectives for Responsible Common-sense Enforcement of 2000 or ENFORCE Act.

H.R. 4066, unlike H.R. 4051, provides real resources to assist law enforcement officials in the apprehension and prosecution of those who violate our gun control laws.

Mr. Speaker, H.R. 4066 authorizes funding for 500 new Alcohol, Tobacco and Firearms agents and inspectors, as well as over 1,000 Federal, state and local gun prosecutors. This legislation also improves gun tracing and ballistics testing systems, funds smart gun technologies and closes the dangerous loopholes that allow criminals and children to obtain guns by hindering the enforcement of gun control laws.

H.R. 4066 would go a long way toward apprehending and prosecuting criminals who violate gun control laws. Too bad H.R. 4051 was brought directly to the floor as a suspension without any opportunity for Democrats to offer amendments. Too bad my colleagues across the aisle are only interested in paying lip service to the enforcement of existing gun control laws, because if they were serious, they would bring up the ENFORCE Act under suspension or allow it as an amendment.

Mr. Speaker, I find it hard to believe that despite the overwhelming desire by the American people for reasonable and common sense limitations on access to guns, this Congress has still not passed and sent to the President the Senate version of the Juvenile Justice bill.

The parents of America are concerned. And, given the tragedies that have occurred across this nation, they have a right to be. They are concerned about the proliferation of guns, of kids gaining access to guns without trigger locks, of guns being bought and sold at gun shows and flea markets without adequate background checks, and of the ability to buy guns anonymously over the Internet.

They are concerned, Mr. Speaker, because current U.S. law is inadequate to prevent guns from easily falling into the wrong hands. They are concerned and want action by this Congress.

Mr. Speaker, despite my very serious concerns with H.R. 4051, I plan to vote in favor of this legislation for two reasons. One, it does provide some additional resources for the fight against gun violence. Two, I have high hopes that the Senate will do the right thing and make this into a better piece of legislation that will make our streets and neighborhoods safer.

Mr. BARR of Georgia. Mr. Speaker, I commend you for bringing H.R. 4051 the ''Project Exile; Safe Streets and Neighborhoods Act'' to the House Floor for a vote. Project Exile is an extremely successful program that drastically reduces gun violence, and needs to be expanded throughout the United States.

This project, run by the U.S. Attorney's office, is credited with substantially reducing violent crime in Richmond, Virginia. Under ''Exile,'' all felons, without exception, who illegally possess firearms are prosecuted and sentenced to stiff, federal mandatory prison terms. The program publicly and visibly advertises the new sentencing procedure, to further deter the illegal possession of firearms, and emphasizes joint, coordinated prosecution involving federal, state, and local police and prosecutors.

The program proves that when political debates about gun control take a back seat to coordinated, consistent and aggressive enforcement of existing laws, violent crime is dramatically reduced and lives saved. ''Project Exile'' sends a clear message to criminals, that having an illegal firearm will earn a swift and tough sentence in federal prison. Under this plan, the efforts of prosecutors, backed by a community advertising plan, has made it common knowledge on the streets of Richmond that felons caught with firearms will be swiftly ''exiled'' to federal prison for a minimum of five years. We know the vast majority of gun violence is committed by individuals with prior felonies. If we can keep these felons from carrying firearms, we can dramatically reduce gun violence.

In return for taking these simple steps, the City of Richmond has achieved a significant drop in violent crime. Richmond's homicide rate alone has been cut over 33% by the program, in the past two years. In the process, prosecutors have achieved a 90% conviction rate on 509 indictments.

This is a program that should be extended by the Department of Justice to other cities across America. The Department of Justice's failure to direct ''Exile'' projects in other major U.S. cities such as Atlanta, is unacceptable. It is another example of the Department's refusal to enforce existing gun laws. For example, in 1998, the Department prosecuted only one felon who tried to purchase a firearm and was caught by the instant check system. In the same year, there were 6,000 students caught with guns in school, but only eight prosecutors. From 1992 to 1998, the number of federal prosecutions for criminal use of guns has declined almost fifty percent while funding to the Department of Justice and Department of Alcohol, Tobacco and Firearms has almost doubled.

Programs such as ''Project Exile'' are proven to be effective in the fight against crime. It is time for all cities to implement such a program and get tough with criminals. H.R. 4051 will allow this to happen. I am proud to be a supporter of the ''Project Exile'' program and a cosponsor of this bill. I urge you to support both.

Mr. UDALL of Colorado. Mr. Speaker, I will support this bill, but I am disappointed with the way it is being brought to the floor and with the bill itself.

I am disappointed that the Republican leadership has brought the bill before the House under a procedure that prohibits any amendments and allows for only a minimal time for discussion.

I also am disappointed with the way the bill has been drafted. Parts of it are too narrow, so that only a few states would qualify for the proposed law-enforcement assistance. Other parts are too broad, so that the funds that would be provided to the states would not necessarily be used for better enforcement of gun laws. Instead, it could go for almost anything related to law enforcement or corrections.

I think the House can and should do better than this. We can and should take time to fully discuss this bill and to consider amendments that could strengthen it so that it would come closer to living up to its title of the ''Project Exile: The Safe Streets and Neighborhood Act of 2000.''

I strongly support the kind of increased enforcement that the bill's title tries to suggest would be the result of enacting this measure. In Colorado our United States Attorney, Tom Strickland, is working in cooperation with state and local law-enforcement officials, for that kind of increased enforcement.

I want to do all I can to help that important initiative—so, while this bill is not everything that I think it could and should be, I will support it. The bill would at least take a small step toward better enforcement in Colorado and the five other states that now meet the bill's criteria for receiving assistance, and I urge its approval.

Mr. BLILEY. Mr. Speaker, I am supporting the expansion of a program that has been extremely successful in my hometown of Richmond, VA—Project Exile. I am pleased to be an original cosponsor of this legislation, Project Exile: The Safe Streets and Neighborhood Act of 2000 (H.R. 4051), introduced by Congressman BILL MCCOLLUM (R–FL).

Crime is a serious problem which effects every member of society, yet I do not feel that gun control is the solution. I let my record speak best of my views of the Second Amendment. I have never voted to ban guns because I believe they infringe upon the rights of responsible citizens who own guns or would like to own them in the future. We do not need more gun control laws; we need more enforcement of the laws we already have. That is exactly what Project Exile does.

Until Project Exile, people in Richmond were afraid to leave their homes at night—parts of Richmond had been taken over by gun toting criminals. Richmond had one of the highest murder rates in the world. Then in 1997, Project Exile started. The turn around has been remarkable. In three short years, homicides have dropped 46 percent. Crimes involving guns have dropped a remarkable 65 percent. Aggravated assaults fell 39 percent. Violent crimes have fallen 35 percent.

The citizens of Richmond are taking back our city—they did this by letting the criminals know that if they use a gun illegally, they are

going to prison. It is for this reason that I support expanding this program—a program that stops crime—to the rest of the country. Project Exile saves lives and protects families and their children from the destructive and deadly acts of violent criminals. If you doubt me, then I invite you to drive down to Richmond and talk to our police, business owners, religious leaders and the hard working citizens of Richmond. You will quickly see the positive impact Project Exile has had on Richmond.

Law enforcement and stronger penalties, including prison without the possibility of parole, remain the most powerful weapons of the Congress in fighting crime. In Richmond, Project Exile has proven that effective law enforcement along with aggressive prosecution reduces violence and crime. Project Exile saves lives and protects families and their children from the destructive and deadly acts of violent criminals.

As an original cosponsor of this legislation, I look forward to the day that all people in this country will be protected by this effective program that saves lives. I ask my colleagues to vote yes on this important legislation.

Ms. WOOLSEY. Mr. Speaker, H.R. 4051 is another smoke screen for the Republicans and the NRA to hide behind. While Republicans are wasting time with this ''do nothing'' gun bill, 12 children will die today from gun violence. That's 12 children gone forever.

This is not a game, Mr. Speaker, this is about children's lives.

Next week we will commemorate the one year anniversary of Columbine. As Representative MCCULLOM admitted, our children need mandatory safety locks; they need powerful ammunition clips to be banned; they need effective background checks; and, they need the gun show loopholes closed.

Additionally, what is truly needed is for the NRA to loosen its grip on the Republican leadership. Our children need real gun safety legislation and they need it now.

Guns kill, It's that simple.

This bill does nothing more than say we should have enforcement of gun laws. What a joke.

I urge my Republican colleagues to stop standing up for the NRA and, instead, stand up for children.

Mr. WATTS of Oklahoma. Mr. Speaker, for months we have engaged in a national debate or rhetoric on the issue of gun violence. Both sides of the political spectrum have had their opinion on how to end gun violence in our country. Today, this body will consider common sense legislation that will be the first step to ending gun violence. Today, this Congress sends a simple and convincing message to criminals around the country. If you are a convicted felon and are in the possession of a firearm you will go to prison for at last 5 years. If you possess a firearm on school property in a threatening manner you will go to prison for at least 5 years. If you possess a firearm and illegal drugs such as heroin or cocaine you will go to prison for at least 5 years.

My colleagues on both sides of the aisle agree that tougher enforcement of gun laws is needed. We all have a common goal. Today we make our goal a reality. Today, we give our state and local governments the means to achieve this desired goal. We have the opportunity to provide $100 million dollars in grants to our states to prosecute violators of gun laws. This money will be used to hire and train judges, hire criminal prosecutors, and pay for new prisons to hold those convicted of violating our gun laws. Today we will start making our gun laws work, we will start enforcing them across the country.

I urge all of my colleagues to stand together today and send a message to all criminals across America. I urge you to stand tall and say we will no longer stand for gun violence in our country. We need to stop infringing on the Constitution, and actually enforce the laws that are on the books. I urge you to stand with me and vote for H.R. 4051, ''Project Exile: The Safe Streets and Neighborhoods Act of 2000.''

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 4051.

The question was taken.

Mr. MCCOLLUM. 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 358, nays 60, not voting 16, as follows:

[Roll No. 115]

YEAS—358

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—60

Allen
Berman
Brady (PA)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
Delahunt
Fattah
Filner
Ford
Frank (MA)
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
LaFalce
Lee
Lewis (GA)
Lofgren
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Olver
Owens
Paul
Payne
Pelosi
Rangel
Rush
Sabo
Sanders
Sanford
Schakowsky
Scott
Serrano
Snyder
Stark
Thompson (MS)
Tierney
Towns
Velazquez
Waters
Watt (NC)
Woolsey

NOT VOTING—16

Cook
Cubin
DeGette
Ewing
Gilman
Goodling
Hefley
Johnson, Sam
Kleczka
Martinez
McIntosh
Morella
Reyes
Rodriguez
Walden
Wynn

□ 1316

Mr. DELAHUNT, Ms. MILLENDER-MCDONALD, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

Mr. GUTIERREZ and Mr. BECERRA changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the 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. EWING. Mr. Speaker, on rollcall No. 115, had I been present, I would have voted "yes."

Mr. GILMAN. Mr. Speaker, during rollcall No. 115 I was unavoidably detained, while attending the funeral of Jack Brady, former Chief of Staff of the House International Relations Committee, and missed the vote. If I had been present I would have voted "aye."

VISA WAIVER PERMANENT PROGRAM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act, as amended.

The Clerk read as follows:

H.R. 3767

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 ''Visa Waiver Permanent Program Act''.

TITLE I—PERMANENT PROGRAM AUTHORIZATION

SEC. 101. ELIMINATION OF PILOT PROGRAM STATUS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in the section heading, by striking ''PILOT'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PILOT'';

(B) in the matter preceding paragraph (1), by striking ''pilot'' both places it appears;

(C) in paragraph (1), by striking ''pilot program period (as defined in subsection (e))'' and inserting ''program''; and

(D) in paragraph (2), in the paragraph heading, by striking ''PILOT'';

(3) in subsection (b), in the matter preceding paragraph (1), by striking ''pilot'';

(4) in subsection (c)—

(A) in the subsection heading, by striking ''PILOT'';

(B) in paragraph (1), by striking ''pilot'';

(C) in paragraph (2)—

(i) by striking ''subsection (g)'' and inserting ''subsection (f)''; and

(ii) by striking ''pilot''; and

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(within the pilot program period)'';

(ii) in subparagraph (A), in the matter preceding clause (i), by striking ''pilot'' both places it appears; and

(iii) in subparagraph (B), by striking ''pilot'';

(5) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking ''pilot''; and

(B) in subparagraph (B), by striking ''pilot'';

(6) by striking subsection (f) and redesignating subsection (g) as subsection (f); and

(7) in subsection (f) (as so redesignated)—

(A) in paragraph (1)(A) by striking ''pilot'';

(B) in paragraph (1)(C), by striking ''pilot'';

(C) in paragraph (2)(A), by striking ''pilot'' both places it appears;

(D) in paragraph (3), by striking ''pilot''; and

(E) in paragraph (4)(A), by striking ''pilot''.

(b) CONFORMING AMENDMENTS.—

(1) DOCUMENTATION REQUIREMENTS.—Clause (iv) of section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(iv)) is amended—

(A) in the clause heading, by striking ''PILOT''; and

(B) by striking ''pilot''.

(2) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act is amended, in the item relating to section 217, by striking ''pilot''.

TITLE II—PROGRAM IMPROVEMENTS

SEC. 201. EXTENSION OF RECIPROCAL PRIVILEGES.

Section 217(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(2)(A)) is amended by inserting '', either on its own or in conjunction with one or more other countries that are described in subparagraph (B) and that have established with it a common area for immigration admissions,'' after ''to extend)''.

SEC. 202. MACHINE READABLE PASSPORT PROGRAM.

(a) REQUIREMENT ON ALIEN.—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) MACHINE READABLE PASSPORT.—On and after October 1, 2006, the alien at the time of application for admission is in possession of a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability.''.

(b) REQUIREMENT ON COUNTRY.—Section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B)) is amended to read as follows:

''(B) MACHINE READABLE PASSPORT PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), the government of the country certifies that it issues to its citizens machine-readable passports that satisfy the internationally accepted standard for machine readability.

''(ii) DEADLINE FOR COMPLIANCE FOR CERTAIN COUNTRIES.—In the case of a country designated as a program country under this subsection prior to May 1, 2000, as a condition on the continuation of that designation, the country—

''(I) shall certify, not later than October 1, 2000, that it has a program to issue machine-readable passports to its citizens not later than October 1, 2003; and

''(II) shall satisfy the requirement of clause (i) not later than October 1, 2003.''.

SEC. 203. DENIAL OF PROGRAM WAIVER BASED ON GROUND OF INADMISSIBILITY.

(a) IN GENERAL.—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)), as amended by section 202, is further amended by adding at the end the following:

''(9) AUTOMATED SYSTEM CHECK.—The identity of the alien has been checked using an automated electronic database containing information about the inadmissibility of aliens to uncover any grounds on which the alien may be inadmissible to the United States, and no such ground has been found.''.

(b) VISA APPLICATION SOLE METHOD TO DISPUTE DENIALS OF WAIVER BASED ON GROUND OF INADMISSIBILITY.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 101(a)(6) of this Act, is further amended by adding at the end the following:

''(g) VISA APPLICATION SOLE METHOD OF DISPUTING GROUND OF INADMISSIBILITY FOUND IN AUTOMATED SYSTEM.—In the case of an alien denial a waiver under the program by reason of a ground of inadmissibility uncovered through a written or verbal statement by the alien or a use of an automated electronic database required under subsection (a)(9), the alien may apply for a visa at an appropriate consular office outside the United States. There shall be no other means of administrative or judicial review of such a denial, and no court or person otherwise shall have jurisdiction to consider any claim attacking the validity of such a denial.''.

(c) PAROLE AUTHORITY.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraph (B) or (C)''; and

(2) by adding at the end the following:

''(C) The Attorney General may not parole into the United States an alien who has applied under section 217 for a waiver of the visa requirement, and has been denied such waiver by reason of a ground of inadmissibility uncovered through a written or verbal statement by the alien or a use of an automated electronic database required under section 217(a)(9), unless the Attorney General determines that compelling reasons in the public interest, or compelling health considerations, with respect to that particular alien require that the alien be paroled into the United States.''.

SEC. 204. EVALUATION OF EFFECT OF COUNTRY'S PARTICIPATION ON LAW ENFORCEMENT AND SECURITY.

(a) INITIAL DESIGNATION.—Section 217(c)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(C)) is amended to read as follows:

''(C) LAW ENFORCEMENT AND SECURITY INTERESTS.—The Attorney General, in consultation with the Secretary of State—

''(i) evaluates the effect that the country's designation would have on the law enforcement and security interests of the United States (including the interest in enforcement of the immigration laws of the United States);

''(ii) determines that such interests would not be compromised by the designation of the country; and

''(iii) submits a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate regarding the country's qualification for designation that includes an explanation of such determination.''.

(b) CONTINUATION OF DESIGNATION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(5) WRITTEN REPORTS ON CONTINUING QUALIFICATION; DESIGNATION TERMINATIONS.—

''(A) PERIODIC EVALUATIONS.—

''(i) IN GENERAL.—The Attorney General, in consultation with the Secretary of State, periodically (but not less than once every 5 years)—

''(I) shall evaluate the effect of each program country's continued designation on the law enforcement and security interests of the United States (including the interest in

enforcement of the immigration laws of the United States);

''(II) shall determine whether any such designation ought to be continued or terminated under subsection (d); and

''(III) shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate regarding the continuation or termination of the country's designation that includes an explanation of such determination and the effects described in subclause (I).

''(ii) EFFECTIVE DATE.—A termination of the designation of a country under this subparagraph shall take effect on the date determined by the Attorney General, but may not take effect before the end of the 30-day period beginning on the date on which notice of the termination is published in the Federal Register.

''(iii) REDESIGNATION.—In the case of a termination under this subparagraph, the Attorney General shall redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General, in consultation with the Secretary of State, determines that all causes of the termination have been eliminated.

''(B) AUTOMATIC TERMINATION.—

''(i) REQUIREMENT.—On and after October 1, 2005, the designation of any program country with respect to a report described in subparagraph (A)(i)(III) has not been submitted in accordance with such subparagraph during the preceding 5 years shall be considered terminated.

''(ii) EFFECTIVE DATE.—A termination of the designation of a country under this subparagraph shall take effect on the last day of the 5-year period described in clause (i).

''(iii) REDESIGNATION.—In the case of a termination under this subparagraph, the Attorney General shall redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the required report is submitted, if the report includes a determination by the Attorney General that the country should continue as a program country.

''(C) EMERGENCY TERMINATION.—

''(i) IN GENERAL.—In the case of a program country in which an emergency occurs that the Attorney General, in consultation with the Secretary of State, determines threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States), the Attorney General shall immediately terminate the designation of the country as a program country.

''(ii) DEFINITION.—For purposes of clause (i), the term 'emergency' means—

''(I) the overthrow of a democratically elected government;

''(II) war (including undeclared war, civil war, or other military activity);

''(III) disruptive social unrest;

''(IV) a severe economic or financial crisis; or

''(V) any other extraordinary event that threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States).

''(iii) REDESIGNATION.—The Attorney General may redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General determines that—

''(I) at least 6 months have elapsed since the effective date of the termination;

''(II) the emergency that caused the termination has ended; and

''(III) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the period of termination under this subparagraph was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during such period.

''(D) TREATMENT OF NATIONALS AFTER TERMINATION.—For purposes of this paragraph—

''(i) nationals of a country whose designation is terminated under subparagraph (A), (B), or (C) shall remain eligible for a waiver under subsection (a) until the effective date of such termination; and

''(ii) a waiver under this section that is provided to such a national for a period described in subsection (a)(1) shall not, by such a designation termination, be deemed to have been rescinded or otherwise rendered invalid, if the waiver is granted prior to such termination.''.

SEC. 205. USE OF INFORMATION TECHNOLOGY SYSTEMS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 203(b), is further amended by adding at the end the following:

''(h) USE OF INFORMATION TECHNOLOGY SYSTEMS.—

''(1) AUTOMATED ENTRY-EXIT CONTROL SYSTEM.—

''(A) SYSTEM.—Not later than October 1, 2001, the Attorney General shall develop and implement a fully automated entry and exit control system that will collect a record of arrival and departure for every alien who arrives by sea or air at a port of entry into the United States and is provided a waiver under the program.

''(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

''(i) DATA COLLECTION BY CARRIERS.—Not later than October 1, 2001, the records of arrival and departure described in subparagraph (A) shall be based, to the maximum extent practicable, on passenger data collected and electronically transmitted to the automated entry and exit control system by each carrier that has an agreement under subsection (a)(4).

''(ii) DATA PROVISION BY CARRIERS.—Not later than October 1, 2002, no waiver may be provided under this section to an alien arriving by sea or air at a port of entry into the United States on a carrier unless the carrier is electronically transmitting to the automated entry and exit control system passenger data determined by the Attorney General to be sufficient to permit the Attorney General to carry out this paragraph.

''(iii) CALCULATION.—The system shall contain sufficient data to permit the Attorney General to calculate, for each program country and each fiscal year, the portion of nationals of that country who are described in subparagraph (A) and for whom no record of departure exists, expressed as a percentage of the total number of such nationals who are so described.

''(C) REPORTING.—

''(i) PERCENTAGE OF NATIONALS LACKING DEPARTURE RECORD.—Not later than January 30 of each year (beginning with the year 2003), the Attorney General shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate containing the calculation described in subparagraph (B)(iii) for each program country for the previous fiscal year.

''(ii) SYSTEM EFFECTIVENESS.—Not later than October 1, 2004, the Attorney General shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate containing the following:

''(I) The conclusions of the Attorney General regarding the effectiveness of the automated entry and exit control system to be developed and implemented under this paragraph.

''(II) The recommendations of the Attorney General regarding the use of the calculation described in subparagraph (B)(iii) as a basis for evaluating whether to terminate or continue the designation of a country as a program country.

''(2) AUTOMATED DATA SHARING SYSTEM.—

''(A) SYSTEM.—The Attorney General and the Secretary of State shall develop and implement an automated data sharing system that will permit them to share data in electronic form from their respective records systems regarding the admissibility of aliens who are nationals of a program country.

''(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

''(i) SUPPLYING INFORMATION TO IMMIGRATION OFFICERS CONDUCTING INSPECTIONS AT PORTS OF ENTRY.—Not later than October 1, 2002, the system shall enable immigration officers conducting inspections at ports of entry under section 235 to obtain from the system, with respect to aliens seeking a waiver under the program—

''(I) any photograph of the alien that may be contained in the records of the Department of State or the Service; and

''(II) information on whether the alien has ever been determined to be ineligible to receive a visa or ineligible to be admitted to the United States.

''(ii) SUPPLYING PHOTOGRAPHS OF INADMISSIBLE ALIENS.—The system shall permit the Attorney General electronically to obtain any photograph contained in the records of the Secretary of State pertaining to an alien who is a national of a program country and has been determined to be ineligible to receive a visa.

''(iii) MAINTAINING RECORDS ON APPLICATIONS FOR ADMISSION.—The system shall maintain, for a minimum of 10 years, information about each application for admission made by an alien seeking a waiver under the program, including the following:

''(I) The name of each immigration officer conducting the inspection of the alien at the port of entry.

''(II) Any information described in clause (i) that is obtained from the system by any such officer.

''(III) The results of the application.''.

(b) CONFORMING AMENDMENT.—Section 217(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(e)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(D) to collect, provide, and share passenger data as required under subsection (h)(1)(B).''.

SEC. 206. CONDITIONS FOR VISA REFUSAL ELIGIBILITY.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by section 204(b) of this Act, is further amended by adding at the end the following:

''(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, sexual orientation, or disability, unless otherwise specifically authorized by law or regulation.''.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 3767, the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Visa Waiver Pilot Program allows aliens traveling from certain designated countries to come to the United States as temporary visitors for business or pleasure without having to obtain the nonimmigrant visa normally required. The program authorizes the Attorney General to waive the ''B'' visa requirement for traveling aliens coming from those certain countries that have qualified. There are currently 29 countries participating in this program.

Since its initial enactment as a temporary program in 1986, the Visa Waiver Pilot Program, often referred to as the VWPP, has been regularly extended by Congress. The current legislation expires on April 30. Fourteen years is a long time for a pilot program. It is time to make the VWPP permanent. H.R. 3767, the Visa Waiver Permanent Program Act, will make the visa waiver program permanent, more secure, and end the need to permanently reauthorize the program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims and the Committee on the Judiciary. The tourism and travel industry strongly supports this legislation. Visa-free travel under the program has increased tourism in the United States from participating countries. More than 17 million visitors enter the United States under the visa waiver program each year. A permanent program will be a long-term benefit to the tourism industry and remove the uncertainty caused by the periodic expiration of the program.

While a permanent visa waiver program would be good for the American travel industry, a permanent program should not be authorized if the program posed a threat to the safety and well-being of the United States or exposed our country to situations in which large numbers of aliens could use the program to circumvent our immigration laws.

The current requirement that participating countries have a machine readable passport has been strengthened by establishing a date certain for all countries in the program to implement such a machine readable passport. Some countries that have been in the program for nearly 10 years still have not introduced the machine readable passport they committed to develop as a condition of their entry into the program. Setting a deadline that is firm is reasonable and fair.

H.R. 3767 also addresses what has been a major concern about the visa waiver program, the inability of the INS to monitor overstays by visa waiver travelers. Because the INS has failed to establish a credible system for calculating or estimating overstay rates, the only mechanism in the current statute for monitoring the compliance of countries in the program does not work. Thus, there has been a concern that once a country entered the program, it would be in forever, even if conditions in the country deteriorated and nationals of the country began to abuse the program.

H.R. 3767 requires the INS to develop a fully automated system for tracking the entry and departure of visa waiver travelers entering by air and sea, which is approximately 98 percent of all visa waiver pilot program travelers. Such a system could easily build on existing technology used to develop the advanced passenger information system, which INS has developed in cooperation with the airlines. Once the automated tracking system is in place, the information it produces can be used to calculate overstay rates and visas.

H.R. 3767 also establishes procedures for periodic reviews of countries already in the program and for dealing with emergency situations should they arise. Such procedures are an absolute necessity to ensure a permanent visa waiver program does not pose a threat to the law enforcement and security interests of the United States.

Once again, Mr. Speaker, I urge my colleagues to support this permanent program of the visa waiver and, to make sure that we have a good program, we need to include the provisions that I have mentioned.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be an original cosponsor of the Visa Waiver Permanent Program Act. I want to commend the subcommittee chairman, the gentleman from Texas (Mr. SMITH) and his staff for working with me and my staff to make the appropriate changes that will encourage and expand tourism to the United States while at the same time protecting our Nation and its citizens.

The Visa Waiver Pilot Program was created by Congress to allow short-term visitors to travel to the United States without having to obtain a visitor visa, thereby encouraging and facilitating international tourism to the United States. This program is not only about immigration, it is about jobs and trade. International tourism to the U.S. in 1999 resulted in 47 million visitors, $95 billion in expenditures, and produced 1 million direct U.S. jobs.

The positive economic impact of this bill can be seen in my home State and in my district. Texas ranks fourth in the Nation in overall visitor spending and also ranks fourth in the Nation for having the greatest number of visitors who included an historical place or event on their trip. Nearly 19 million visitors traveled to the greater Houston area in 1997; and in 1996, visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area. Many of those include our international travelers.

I also feel it is very important to remind my colleagues that as home to NASA's Johnson Space Center, Six Flags AstroWorld, the world's first domed stadium, and now Enron Field, we hope Texas, along with every other State in the Union, will continue to draw international visitors. I am confident that I have the support of the subcommittee chairman on that statement, being that he is from Texas.

It is time to take the pilot out of this program. H.R. 3767 makes this program permanent. A permanent program will give our international program participants the certainty and continuity they deserve. The State Department, the Travel Industry Association of America, and the National Governors' Association all support a permanent visa waiver program.

In the full committee markup, I was able to add language that would substitute the word terminate wherever the word rescind appears. This would make the loss of the visa waiver privilege prospective from the date on which the termination goes into effect. The bill also provides any national who is in the United States when the privilege is terminated would be permitted to remain lawfully until the end of the period for which he or she was admitted. This would be less disruptive to the individual who actually came into this country legally and something occurred that would intervene and cause their nation not to be part of the program anymore.

Another unintended consequence could occur if the provisions for reinstatement of the visa privilege are not modified. If renewal of the privilege is sought after it has been taken away for cause, H.R. 3767 would require the country to meet the same standards that have to be met for an initial grant of the privilege. This includes showing that the average number of refusals for nonimmigrant visitor visas for the previous two fiscal years was less than 3 percent of the total number of visas that was requested for that period.

A country that has just had the visa waiver privilege taken away would not have a record of visa requests to base such a statistic on. Its nationals would have been entering the United States without visas pursuant to the privilege. Consequently, such a country would not be able to satisfy this requirement for at least 2 years.

This bill authorizes the Attorney General to redesignate the country when 6 months has elapsed since the effective date of the termination, the emergency that caused the termination has ended, and the average number of refusals of nonimmigrant visitor visas for nationals of that country during the termination period was less than 3.0 percent of the total number of nonimmigrant visitor visas for the nationals of that country which were granted or refused during such period.

H.R. 3767 also provides that the designation of any country shall be considered terminated if a report on whether the privilege should be continued is not submitted every 5 years. The bill would require the Attorney General to reinstate the country when the required report is submitted. Of course, this would only apply if the report concludes that the country should continue as a program country.

In committee, Mr. Speaker, we had a very, very strong and vigorous debate about the various conditions for admission to the visa waiver program. No more than 3 percent of a country's applications for U.S. nonimmigrant visas can be refused. Currently, no countries in the Caribbean or Africa meet this threshold. I am troubled by this reality and will continue to work with the State Department and my colleagues, including the gentleman from North Carolina (Mr. WATT), to remedy this problem. We must still study why all the applicants for the visa waiver program in Africa and the Caribbean are being refused.

The bill now prohibits the inclusion of any visa denied by the Department of State on certain other criteria such as race, sex, sexual orientation or disability when calculating the visa refusal rate to determine a country's eligibility.

The committee report language notes that it would be a violation of deeply-rooted American principles of equality of treatment and fair play to make determinations regarding visa eligibility based upon existing discriminatory criteria. We need to fix that.

Lastly, I am also very pleased to learn that an emerging and increasingly important trading partner, South Africa, already complies with one of the new provisions H.R. 3767 has in it, in that the country already issues machine readable passports to its citizens. As recently as 4 years ago, South Africa had a visa refusal rate of less than 3 percent.

□ 1330

I would like to encourage the Department of State and the INS, through its Interagency Working Group, to consider South Africa as a possible candidate in the near future, I might add, in the very near future.

Interest into the Visa Waiver Program could help in attracting many more visitors from that great nation, and we should look at the concerns I have with respect to other developing world countries. And it would help to demonstrate our commitment to be a strong trade partner and a friend of South Africa.

In conclusion, Mr. Speaker, as we work through this legislation to fix other aspects of it, I urge Members to support H.R. 3767 in order to make the Visa Waiver Pilot Program permanent.

Mr. Speaker, I am pleased to be an original co-sponsor of H.R. 3767, the Visa Waiver Permanent Program Act. I want to commend Subcommittee Chairman SMITH and his staff for working with me and my staff to make the appropriate changes that will encourage and expand tourism to the United States while at the same time protecting our nation and its citizens.

The Visa Waiver Pilot Program was created by Congress to allow short-term visitors to travel to the U.S. without having to obtain a visitor visa, thereby encouraging and facilitating international tourism to the United States. This program is not only about immigration, it is about jobs and trade. International tourism to the U.S. in 1999 resulted in 47 million visitors, $95 billion in expenditures, and produced 1 million direct U.S. jobs.

The positive economic impact of this bill can be seen in my home state and in my district. Texas ranks 4th in the nation in overall visitor spending, and also ranks 4th in the nation for having the greatest number of visitors who included a historical place or cultural event on their trip. Nearly 19 million visitors traveled to the Greater Houston area in 1997, and in 1996 visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area. I also feel it is very important to remind my colleagues that as home to NASA's Johnson Space Center, Six flags Astro World, and the world's first domed stadium—Houston and Texas—will continue to be a strong draw for international visitors. I am confident that I have Chairman SMITH's support on this statement.

It is time to take the ''pilot'' out of this program. H.R. 3767 makes this program permanent. A permanent program will give our international program participants the certainty and continuity they deserve. The State Department, the Travel Industry Association of America, and the National Governors' Association, all support a permanent Visa Waiver Program.

In the Full Committee mark-up I was able to add language that would substitute the word ''terminate'' wherever the word ''rescind'' appears. This would make the loss of the visa waiver privilege prospective from the date on which the termination goes into effect. The bill also provides that any national who is in the United States when the privilege is terminated would be permitted to remain lawfully until the end of the period for which he or she was admitted.

Another unintended consequence could occur if the provisions for reinstatement of the visa waiver privilege are not modified. If renewal of the privilege is sought after it has been taken away for cause, H.R. 3767 would require the country to meet the same standards that have to be met for an initial grant of the privilege. This includes showing that the average number of refusals for nonimmigrant visitor visas for the previous two fiscal years was less than 3% of the total number of visas that were requested for that period. A country that has just had the visa waiver privilege taken away would not have a record of visa requests to base such a statistic on. Its nationals would have been entering the United States without visas pursuant to the privilege. Consequently, such a country would not be able to satisfy this requirement for at least two years.

This bill authorizes the Attorney General to redesignate the country when six months have elapsed since the effective date of the termination; the emergency that caused the termination has ended; and the average number of refusals of nonimmigrant visitor visas for nationals of that country during the termination period was less than 3.0% of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during such period.

H.R. 3767 also provides that the designation of any country shall be considered terminated if a report on whether the privilege should be continued is not submitted every five years. The bill would require the Attorney General to reinstate the country when the required report is submitted. Of course, this would only apply if the report concludes that the country should continue as a program country.

In committee, Mr. Speaker, we had a heavy debate about the various conditions for admission to the visa waiver program. No more than 3% of a country's applications for U.S. non-immigrant visas can be refused. Currently, no countries in the Caribbean or Africa meet this threshold. I am troubled by this reality, and will continue to work with the Department of State to try to remedy this problem. We must still study why all the applicants for the visa waiver program in Africa and the Caribbean are being refused. The bill now prohibits the inclusion of any visa denied by the Department of State on the basis of race, sex, sexual orientation or disability—when calculating the visa refusal rate for determining the eligibility of a country for the waiver program. The Committee report language notes that it would be a violation of deeply-rooted American principles of equality of treatment and fair play to make determinations regarding visa eligibility based on discriminatory criteria.

Lastly, I am also very pleased to learn that an emerging and increasingly important trading partner, South Africa, already complies with one of the new provisions in H.R. 3767, in that the country already issues machine readable passports to its citizens. As recently as four years ago, South Africa had a visa refusal rate of less than 3%, and I would like to encourage the Department of State and the INS, through its Inter-Agency Working Group, to consider South Africa as a possible candidate in the near future. Entrance into the Visa Waiver Program could help in attracting many more visitors from that great nation, and would help to demonstrate our commitment to be a strong trade partner and friend.

In conclusion, Mr. Speaker, I urge Members to support H.R. 3767 in order to make the Visa Waiver Pilot Program permanent.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, let me say up front that I intend to vote for this bill. I voted for

it in the committee, and I will vote for it on the floor.

The notion of having a Visa Waiver Program is a good and honorable notion that I think all of us support. But I think we would be less than fair with our colleagues if we did not say up front that the criteria which is currently being used for countries to get into the Visa Waiver Program are not the right criteria.

Right now we are letting countries into the Visa Waiver Program based on the visa refusal rate that countries have experienced. And, unfortunately, there are a number of instances where that refusal rate is colored by considerations that ought not go into the evaluation: the race of applicants, the economic status of applicants, various biases that people who are considering whether to grant a visa or not are being taken into account. This is not the correct criteria.

The criteria which should be being used is whether people who come to our country overstay their visa authority in our country. We are trying to move to a system that evaluates that, and we do not have that system in place.

Now, the gentleman from Texas (Chairman SMITH) said 14 years is a long time to have a pilot program. The reason we have had a pilot program for 14 years is we have been working on this system, the valid reliable system that we ought to be using to determine whether countries are included in the Visa Waiver Program, for 14 years; and we still do not have the system in place.

The problem that I have with calling this a permanent program is that we, in effect, then are sanctioning the process or impliedly sanctioning the process of considering visa denials, which then sanctions the biases that are in that whole denial and approval process. And that is troubling to me.

So while I will support this bill, it is with the express understanding that we are moving to a system of evaluating visa overstays which ought to be the criteria for determining whether a country gets into this program or not, not some arbitrary race bias or economic bias or other biased process that quite often is the basis for refusing a visa in a source country in the first place.

That having been said, this is a program that is worthwhile. We hope we get the criteria right at some point, and I do encourage my colleagues to vote for the program even though I still have reservations about the criteria that we will be using on a short-term basis.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply say that I associate myself with the comments of the distinguished gentleman from North Carolina (Mr. WATT) and acknowledge that we must continue to work through these issues that play into the discriminatory aspects of the law.

I would hope that, as we have cleared up discrimination in the United States with legislation and not cleared it up in totality but cleared it up with at least a statement of being in opposition to discrimination on race, sex, sexual orientation, disability, that we would find the ability to do so and carry through on this issue of visas.

I would hope that we will continue the discussion on this legislation and, as well, that we will see the implementation of this program as a permanent program to be of value economically to the United States as well as to increase the very positive relations that we have with many of those nations who are on this visa list.

I would see us improving relations even more with our friends in the Caribbean, with our friends in Africa, and our friends additionally in South America and other parts who have not had this privilege if we can make determinations on overstays along with the issues of refusal rates.

With that, I would ask my colleagues to support this legislation.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to acknowledge the legitimate point made by our colleague, the gentleman from North Carolina (Mr. WATT), a minute ago. We do, in fact, need a better program to determine the visa overstay rates.

Mr. MCCOLLUM. Mr. Speaker, I rise today to support the travel and tourism industry and to support legislation to make permanent the Visa Waiver Pilot Program. I am fortunate to represent one of the most popular tourist destinations in the country, Orlando, Florida. Over 38 million people visit the Orlando area each year, creating a total economic impact of more than $17 billion. Nearly 3 million of these visitors are from overseas, coming to Florida from Western Europe, South America and the Far East. Those visitors are essential to the local economy and well-being of the state of Florida.

Travel and tourism is one of the nation's top three industries providing jobs spanning across our communities, from employees at theme parks, museums, airlines, car rental companies, food service and hotels. The Visa Waiver program, which encourages international travel to the United States by waiving the visitor visa requirements for 29 countries, has added to the growth in overseas tourism. Frequent reauthorization of the pilot program creates confusion for those who work in the tourism industry and for individual travelers. H.R. 3767 makes this critical program permanent and also adds security enhancements that will make the program even more secure. Passage of this bill is a win-win for Congress and makes winners of the millions of constituents who work in the travel and tourism industry.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3767, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CIVIL ASSET FORFEITURE REFORM ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Civil Asset Forfeiture Reform Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Attorney fees, costs, and interest.
Sec. 5. Seizure warrant requirement.
Sec. 6. Use of forfeited funds to pay restitution to crime victims.
Sec. 7. Civil forfeiture of real property.
Sec. 8. Stay of civil forfeiture case.
Sec. 9. Civil restraining orders.
Sec. 10. Cooperation among Federal prosecutors.
Sec. 11. Statute of limitations for civil forfeiture actions.
Sec. 12. Destruction or removal of property to prevent seizure.
Sec. 13. Fungible property in bank accounts.
Sec. 14. Fugitive disentitlement.
Sec. 15. Enforcement of foreign forfeiture judgment.
Sec. 16. Encouraging use of criminal forfeiture as an alternative to civil forfeiture.
Sec. 17. Access to records in bank secrecy jurisdictions
Sec. 18. Application to alien smuggling offenses.
Sec. 19. Enhanced visibility of the asset forfeiture program.
Sec. 20. Proceeds.
Sec. 21. Effective date.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 982 the following:

''§ 983. General rules for civil forfeiture proceedings

''(a) NOTICE; CLAIM; COMPLAINT.—

''(1)(A)(i) Except as provided in clauses (ii) through (v), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government is required to send written notice to interested parties, such notice shall be sent in a manner to achieve proper notice as soon as practicable, and in no case more than 60 days after the date of the seizure.

''(ii) No notice is required if, before the 60-day period expires, the Government files a civil judicial forfeiture action against the property and provides notice of that action as required by law.

''(iii) If, before the 60-day period expires, the Government does not file a civil judicial forfeiture action, but does obtain a criminal indictment containing an allegation that the property

is subject to forfeiture, the government shall either—

''(I) send notice within the 60 days and continue the nonjudicial civil forfeiture proceeding under this section; or

''(II) terminate the nonjudicial civil forfeiture proceeding, and take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute.

''(iv) In a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than 90 days after the date of seizure by the State or local law enforcement agency.

''(v) If the identity or interest of a party is not determined until after the seizure or turnover but is determined before a declaration of forfeiture is entered, notice shall be sent to such interested party not later than 60 days after the determination by the Government of the identity of the party or the party's interest.

''(B) A supervisory official in the headquarters office of the seizing agency may extend the period for sending notice under subparagraph (A) for a period not to exceed 30 days (which period may not be further extended except by a court), if the official determines that the conditions in subparagraph (D) are present.

''(C) Upon motion by the Government, a court may extend the period for sending notice under subparagraph (A) for a period not to exceed 60 days, which period may be further extended by the court for 60-day periods, as necessary, if the court determines, based on a written certification of a supervisory official in the headquarters office of the seizing agency, that the conditions in subparagraph (D) are present.

''(D) The period for sending notice under this paragraph may be extended only if there is reason to believe that notice may have an adverse result, including—

''(i) endangering the life or physical safety of an individual;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses; or

''(v) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

''(E) Each of the Federal seizing agencies conducting nonjudicial forfeitures under this section shall report periodically to the Committees on the Judiciary of the House of Representatives and the Senate the number of occasions when an extension of time is granted under subparagraph (B).

''(F) If the Government does not send notice of a seizure of property in accordance with subparagraph (A) to the person from whom the property was seized, and no extension of time is granted, the Government shall return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later time. The Government shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess.

''(2)(A) Any person claiming property seized in a nonjudicial civil forfeiture proceeding under a civil forfeiture statute may file a claim with the appropriate official after the seizure.

''(B) A claim under subparagraph (A) may be filed not later than the deadline set forth in a personal notice letter (which deadline may be not earlier than 35 days after the date the letter is mailed), except that if that letter is not received, then a claim may be filed not later than 30 days after the date of final publication of notice of seizure.

''(C) A claim shall—

''(i) identify the specific property being claimed;

''(ii) state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous; and

''(iii) be made under oath, subject to penalty of perjury.

''(D) A claim need not be made in any particular form. Each Federal agency conducting nonjudicial forfeitures under this section shall make claim forms generally available on request, which forms shall be written in easily understandable language.

''(E) Any person may make a claim under subparagraph (A) without posting bond with respect to the property which is the subject of the claim.

''(3)(A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

''(B) If the Government does not—

''(i) file a complaint for forfeiture or return the property, in accordance with subparagraph (A); or

''(ii) before the time for filing a complaint has expired—

''(I) obtain a criminal indictment containing an allegation that the property is subject to forfeiture; and

''(II) take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute,

the Government shall promptly release the property pursuant to regulations promulgated by the Attorney General, and may not take any further action to effect the civil forfeiture of such property in connection with the underlying offense.

''(C) In lieu of, or in addition to, filing a civil forfeiture complaint, the Government may include a forfeiture allegation in a criminal indictment. If criminal forfeiture is the only forfeiture proceeding commenced by the Government, the Government's right to continued possession of the property shall be governed by the applicable criminal forfeiture statute.

''(D) No complaint may be dismissed on the ground that the Government did not have adequate evidence at the time the complaint was filed to establish the forfeitability of the property.

''(4)(A) In any case in which the Government files in the appropriate United States district court a complaint for forfeiture of property, any person claiming an interest in the seized property may file a claim asserting such person's interest in the property in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims, except that such claim may be filed not later than 30 days after the date of service of the Government's complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the complaint.

''(B) A person asserting an interest in seized property, in accordance with subparagraph (A), shall file an answer to the Government's complaint for forfeiture not later than 20 days after the date of the filing of the claim.

''(b) REPRESENTATION.—

''(1)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the person is represented by counsel appointed under section 3006A of this title in connection with a related criminal case, the court may authorize counsel to represent that person with respect to the claim.

''(B) In determining whether to authorize counsel to represent a person under subparagraph (A), the court shall take into account such factors as—

''(i) the person's standing to contest the forfeiture; and

''(ii) whether the claim appears to be made in good faith.

''(2)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the property subject to forfeiture is real property that is being used by the person as a primary residence, the court, at the request of the person, shall insure that the person is represented by an attorney for the Legal Services Corporation with respect to the claim.

''(B)(i) At appropriate times during a representation under subparagraph (A), the Legal Services Corporation shall submit a statement of reasonable attorney fees and costs to the court.

''(ii) The court shall enter a judgment in favor of the Legal Services Corporation for reasonable attorney fees and costs submitted pursuant to clause (i) and treat such judgment as payable under section 2465 of title 28, United States Code, regardless of the outcome of the case.

''(3) The court shall set the compensation for representation under this subsection, which shall be equivalent to that provided for court-appointed representation under section 3006A of this title.

''(c) BURDEN OF PROOF.—In a suit or action brought under any civil forfeiture statute for the civil forfeiture of any property—

''(1) the burden of proof is on the Government to establish, by a preponderance of the evidence, that the property is subject to forfeiture;

''(2) the Government may use evidence gathered after the filing of a complaint for forfeiture to establish, by a preponderance of the evidence, that property is subject to forfeiture; and

''(3) if the Government's theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish that there was a substantial connection between the property and the offense.

''(d) INNOCENT OWNER DEFENSE.—

''(1) An innocent owner's interest in property shall not be forfeited under any civil forfeiture statute. The claimant shall have the burden of proving that the claimant is an innocent owner by a preponderance of the evidence.

''(2)(A) With respect to a property interest in existence at the time the illegal conduct giving rise to forfeiture took place, the term 'innocent owner' means an owner who—

''(i) did not know of the conduct giving rise to forfeiture; or

''(ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

''(B)(i) For the purposes of this paragraph, ways in which a person may show that such person did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law—

''(I) gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and

''(II) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

''(ii) A person is not required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person (other than the person whose conduct gave rise to the forfeiture) to physical danger.

''(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property—

''(i) was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); and

''(ii) did not know and was reasonably without cause to believe that the property was subject to forfeiture.

''(B) An otherwise valid claim under subparagraph (A) shall not be denied on the ground that the claimant gave nothing of value in exchange for the property if—

''(i) the property is the primary residence of the claimant;

''(ii) depriving the claimant of the property would deprive the claimant of the means to maintain reasonable shelter in the community for the claimant and all dependents residing with the claimant;

''(iii) the property is not, and is not traceable to, the proceeds of any criminal offense; and

''(iv) the claimant acquired his or her interest in the property through marriage, divorce, or legal separation, or the claimant was the spouse or legal dependent of a person whose death resulted in the transfer of the property to the claimant through inheritance or probate;

except that the court shall limit the value of any real property interest for which innocent ownership is recognized under this subparagraph to the value necessary to maintain reasonable shelter in the community for such claimant and all dependents residing with the claimant.

''(4) Notwithstanding any provision of this subsection, no person may assert an ownership interest under this subsection in contraband or other property that it is illegal to possess.

''(5) If the court determines, in accordance with this section, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court may enter an appropriate order—

''(A) severing the property;

''(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

''(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property.

''(6) In this subsection, the term 'owner'—

''(A) means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest; and

''(B) does not include—

''(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

''(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

''(iii) a nominee who exercises no dominion or control over the property.

''(e) MOTION TO SET ASIDE FORFEITURE.—

''(1) Any person entitled to written notice in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute who does not receive such notice may file a motion to set aside a declaration of forfeiture with respect to that person's interest in the property, which motion shall be granted if—

''(A) the Government knew, or reasonably should have known, of the moving party's interest and failed to take reasonable steps to provide such party with notice; and

''(B) the moving party did not know or have reason to know of the seizure within sufficient time to file a timely claim.

''(2)(A) Notwithstanding the expiration of any applicable statute of limitations, if the court grants a motion under paragraph (1), the court shall set aside the declaration of forfeiture as to the interest of the moving party without prejudice to the right of the Government to commence a subsequent forfeiture proceeding as to the interest of the moving party.

''(B) Any proceeding described in subparagraph (A) shall be commenced—

''(i) if nonjudicial, within 60 days of the entry of the order granting the motion; or

''(ii) if judicial, within 6 months of the entry of the order granting the motion.

''(3) A motion under paragraph (1) may be filed not later than 5 years after the date of final publication of notice of seizure of the property.

''(4) If, at the time a motion made under paragraph (1) is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government may institute proceedings against a substitute sum of money equal to the value of the moving party's interest in the property at the time the property was disposed of.

''(5) A motion filed under this subsection shall be the exclusive remedy for seeking to set aside a declaration of forfeiture under a civil forfeiture statute.

''(f) RELEASE OF SEIZED PROPERTY.—

''(1) A claimant under subsection (a) is entitled to immediate release of seized property if—

''(A) the claimant has a possessory interest in the property;

''(B) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

''(C) the continued possession by the Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless;

''(D) the claimant's likely hardship from the continued possession by the Government of the seized property outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to the claimant during the pendency of the proceeding; and

''(E) none of the conditions set forth in paragraph (8) applies.

''(2) A claimant seeking release of property under this subsection must request possession of the property from the appropriate official, and the request must set forth the basis on which the requirements of paragraph (1) are met.

''(3)(A) If not later than 15 days after the date of a request under paragraph (2) the property has not been released, the claimant may file a petition in the district court in which the complaint has been filed or, if no complaint has been filed, in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

''(B) The petition described in subparagraph (A) shall set forth—

''(i) the basis on which the requirements of paragraph (1) are met; and

''(ii) the steps the claimant has taken to secure release of the property from the appropriate official.

''(4) If the Government establishes that the claimant's claim is frivolous, the court shall deny the petition. In responding to a petition under this subsection on other grounds, the Government may in appropriate cases submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

''(5) The court shall render a decision on a petition filed under paragraph (3) not later than 30 days after the date of the filing, unless such 30-day limitation is extended by consent of the parties or by the court for good cause shown.

''(6) If—

''(A) a petition is filed under paragraph (3); and

''(B) the claimant demonstrates that the requirements of paragraph (1) have been met;

the district court shall order that the property be returned to the claimant, pending completion of proceedings by the Government to obtain forfeiture of the property.

''(7) If the court grants a petition under paragraph (3)—

''(A) the court may enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including—

''(i) permitting the inspection, photographing, and inventory of the property;

''(ii) fixing a bond in accordance with rule E(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and

''(iii) requiring the claimant to obtain or maintain insurance on the subject property; and

''(B) the Government may place a lien against the property or file a lis pendens to ensure that the property is not transferred to another person.

''(8) This subsection shall not apply if the seized property—

''(A) is contraband, currency, or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business which has been seized;

''(B) is to be used as evidence of a violation of the law;

''(C) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

''(D) is likely to be used to commit additional criminal acts if returned to the claimant.

''(g) PROPORTIONALITY.—

''(1) The claimant under subsection (a)(4) may petition the court to determine whether the forfeiture was constitutionally excessive.

''(2) In making this determination, the court shall compare the forfeiture to the gravity of the offense giving rise to the forfeiture.

''(3) The claimant shall have the burden of establishing that the forfeiture is grossly disproportional by a preponderance of the evidence at a hearing conducted by the court without a jury.

''(4) If the court finds that the forfeiture is grossly disproportional to the offense it shall reduce or eliminate the forfeiture as necessary to avoid a violation of the Excessive Fines Clause of the Eighth Amendment of the Constitution.

''(h) CIVIL FINE.—

''(1) In any civil forfeiture proceeding under a civil forfeiture statute in which the Government prevails, if the court finds that the claimant's assertion of an interest in the property was frivolous, the court may impose a civil fine on the claimant of an amount equal to 10 percent of the value of the forfeited property, but in no event shall the fine be less than $250 or greater than $5,000.

''(2) Any civil fine imposed under this subsection shall not preclude the court from imposing sanctions under rule 11 of the Federal Rules of Civil Procedure.

''(3) In addition to the limitations of section 1915 of title 28, United States Code, in no event shall a prisoner file a claim under a civil forfeiture statute or appeal a judgment in a civil action or proceeding based on a civil forfeiture statute if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous or malicious, unless the prisoner shows extraordinary and exceptional circumstances.

''(i) CIVIL FORFEITURE STATUTE DEFINED.—In this section, the term 'civil forfeiture statute'—

''(1) means any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense; and

''(2) does not include—

''(A) the Tariff Act of 1930 or any other provision of law codified in title 19;

''(B) the Internal Revenue Code of 1986;

''(C) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

''(D) the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.); or

''(E) section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18,

United States Code, is amended by inserting after the item relating to section 982 the following:

''983. General rules for civil forfeiture proceedings.''.

(c) STRIKING SUPERSEDED PROVISIONS.—

(1) CIVIL FORFEITURE.—Section 981(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''Except as provided in paragraph (2), the'' and inserting ''The''; and

(B) by striking paragraph (2).

(2) DRUG FORFEITURES.—Paragraphs (4), (6) and (7) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a) (4), (6) and (7)) are each amended by striking '', except that'' and all that follows before the period at the end.

(3) AUTOMOBILES.—Section 518 of the Controlled Substances Act (21 U.S.C. 888) is repealed.

(4) FORFEITURES IN CONNECTION WITH SEXUAL EXPLOITATION OF CHILDREN.—Paragraphs (2) and (3) of section 2254(a) of title 18, United States Code, are each amended by striking '', except that'' and all that follows before the period at the end.

(d) LEGAL SERVICES CORPORATION REPRESENTATION.—Section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) In paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) ensure that an indigent individual whose primary residence is subject to civil forfeiture is represented by an attorney for the Corporation in such civil action.''

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking ''any goods or merchandise'' and inserting ''any goods, merchandise, or other property'';

(2) by striking ''law-enforcement'' and inserting ''law enforcement''; and

(3) by inserting before the period at the end the following: '', except that the provisions of this chapter and section 1346(b) of this title apply to any claim based on injury or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if—

''(1) the property was seized for the purpose of forfeiture under any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense;

''(2) the interest of the claimant was not forfeited;

''(3) the interest of the claimant was not remitted or mitigated (if the property was subject to forfeiture); and

''(4) the claimant was not convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.''.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it accrues; or

(B) is presented by an officer or employee of the Federal Government and arose within the scope of employment.

SEC. 4. ATTORNEY FEES, COSTS, AND INTEREST.

(a) IN GENERAL.—Section 2465 of title 28, United States Code, is amended to read as follows:

''§ 2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest

''(a) Upon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law—

''(1) such property shall be returned forthwith to the claimant or his agent; and

''(2) if it appears that there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and, in such case, neither the person who made the seizure or arrest nor the prosecutor shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimant be entitled to costs, except as provided in subsection (b).

''(b)(1) Except as provided in paragraph (2), in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for—

''(A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

''(B) post-judgment interest, as set forth in section 1961 of this title; and

''(C) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale—

''(i) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

''(ii) an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate applicable to the 30-day Treasury Bill, for any period during which no interest was paid (not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence), commencing 15 days after the property was seized by a Federal law enforcement agency, or was turned over to a Federal law enforcement agency by a State or local law enforcement agency.

''(2)(A) The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.

''(B) The provisions of paragraph (1) shall not apply if the claimant is convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.

''(C) If there are multiple claims to the same property, the United States shall not be liable for costs and attorneys fees associated with any such claim if the United States—

''(i) promptly recognizes such claim;

''(ii) promptly returns the interest of the claimant in the property to the claimant, if the property can be divided without difficulty and there are no competing claims to that portion of the property;

''(iii) does not cause the claimant to incur additional, reasonable costs or fees; and

''(iv) prevails in obtaining forfeiture with respect to one or more of the other claims.

''(D) If the court enters judgment in part for the claimant and in part for the Government, the court shall reduce the award of costs and attorney fees accordingly.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by striking the item relating to section 2465 and inserting following:

''2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest.''.

SEC. 5. SEIZURE WARRANT REQUIREMENT.

(a) IN GENERAL.—Section 981(b) of title 18, United States Code, is amended to read as follows:

''(b)(1) Except as provided in section 985, any property subject to forfeiture to the United States under subsection (a) may be seized by the Attorney General and, in the case of property involved in a violation investigated by the Secretary of the Treasury or the United States Postal Service, the property may also be seized by the Secretary of the Treasury or the Postal Service, respectively.

''(2) Seizures pursuant to this section shall be made pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure, except that a seizure may be made without a warrant if—

''(A) a complaint for forfeiture has been filed in the United States district court and the court issued an arrest warrant in rem pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims;

''(B) there is probable cause to believe that the property is subject to forfeiture and—

''(i) the seizure is made pursuant to a lawful arrest or search; or

''(ii) another exception to the Fourth Amendment warrant requirement would apply; or

''(C) the property was lawfully seized by a State or local law enforcement agency and transferred to a Federal agency.

''(3) Notwithstanding the provisions of rule 41(a) of the Federal Rules of Criminal Procedure, a seizure warrant may be issued pursuant to this subsection by a judicial officer in any district in which a forfeiture action against the property may be filed under section 1355(b) of title 28, and may be executed in any district in which the property is found, or transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement. Any motion for the return of property seized under this section shall be filed in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

''(4)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure.

''(B) The application for the restraining order shall set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture, and shall contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.''.

(b) DRUG FORFEITURES.—Section 511(b) of the Controlled Substances Act (21 U.S.C. 881(b)) is amended to read as follows:

''(b) SEIZURE PROCEDURES.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General in the manner set forth in section 981(b) of title 18, United States Code.''.

SEC. 6. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS.

Section 981(e) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense

constituting the underlying specified unlawful activity; or''.

SEC. 7. CIVIL FORFEITURE OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 984 the following:

''§ 985. Civil forfeiture of real property

''(a) Notwithstanding any other provision of law, all civil forfeitures of real property and interests in real property shall proceed as judicial forfeitures.

''(b)(1) Except as provided in this section—

''(A) real property that is the subject of a civil forfeiture action shall not be seized before entry of an order of forfeiture; and

''(B) the owners or occupants of the real property shall not be evicted from, or otherwise deprived of the use and enjoyment of, real property that is the subject of a pending forfeiture action.

''(2) The filing of a lis pendens and the execution of a writ of entry for the purpose of conducting an inspection and inventory of the property shall not be considered a seizure under this subsection.

''(c)(1) The Government shall initiate a civil forfeiture action against real property by—

''(A) filing a complaint for forfeiture;

''(B) posting a notice of the complaint on the property; and

''(C) serving notice on the property owner, along with a copy of the complaint.

''(2) If the property owner cannot be served with the notice under paragraph (1) because the owner—

''(A) is a fugitive;

''(B) resides outside the United States and efforts at service pursuant to rule 4 of the Federal Rules of Civil Procedure are unavailing; or

''(C) cannot be located despite the exercise of due diligence,

constructive service may be made in accordance with the laws of the State in which the property is located.

''(3) If real property has been posted in accordance with this subsection, it shall not be necessary for the court to issue an arrest warrant in rem, or to take any other action to establish in rem jurisdiction over the property.

''(d)(1) Real property may be seized prior to the entry of an order of forfeiture if—

''(A) the Government notifies the court that it intends to seize the property before trial; and

''(B) the court—

''(i) issues a notice of application for warrant, causes the notice to be served on the property owner and posted on the property, and conducts a hearing in which the property owner has a meaningful opportunity to be heard; or

''(ii) makes an ex parte determination that there is probable cause for the forfeiture and that there are exigent circumstances that permit the Government to seize the property without prior notice and an opportunity for the property owner to be heard.

''(2) For purposes of paragraph (1)(B)(ii), to establish exigent circumstances, the Government shall show that less restrictive measures such as a lis pendens, restraining order, or bond would not suffice to protect the Government's interests in preventing the sale, destruction, or continued unlawful use of the real property.

''(e) If the court authorizes a seizure of real property under subsection (d)(1)(B)(ii), it shall conduct a prompt post-seizure hearing during which the property owner shall have an opportunity to contest the basis for the seizure.

''(f) This section—

''(1) applies only to civil forfeitures of real property and interests in real property;

''(2) does not apply to forfeitures of the proceeds of the sale of such property or interests, or of money or other assets intended to be used to acquire such property or interests; and

''(3) shall not affect the authority of the court to enter a restraining order relating to real property.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 984 the following:

''985. Civil forfeiture of real property.''.

SEC. 8. STAY OF CIVIL FORFEITURE CASE.

(a) IN GENERAL.—Section 981(g) of title 18, United States Code, is amended to read as follows:

''(g)(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

''(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that—

''(A) the claimant is the subject of a related criminal investigation or case;

''(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

''(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

''(3) With respect to the impact of civil discovery described in paragraphs (1) and (2), the court may determine that a stay is unnecessary if a protective order limiting discovery would protect the interest of 1 party without unfairly limiting the ability of the opposing party to pursue the civil case. In no case, however, shall the court impose a protective order as an alternative to a stay if the effect of such protective order would be to allow 1 party to pursue discovery while the other party is substantially unable to do so.

''(4) In this subsection, the terms 'related criminal case' and 'related criminal investigation' mean an actual prosecution or investigation in progress at the time at which the request for the stay, or any subsequent motion to lift the stay is made. In determining whether a criminal case or investigation is 'related' to a civil forfeiture proceeding, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the 2 proceedings, without requiring an identity with respect to any 1 or more factors.

''(5) In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

''(6) Whenever a civil forfeiture proceeding is stayed pursuant to this subsection, the court shall enter any order necessary to preserve the value of the property or to protect the rights of lienholders or other persons with an interest in the property while the stay is in effect.

''(7) A determination by the court that the claimant has standing to request a stay pursuant to paragraph (2) shall apply only to this subsection and shall not preclude the Government from objecting to the standing of the claimant by dispositive motion or at the time of trial.''.

(b) DRUG FORFEITURES.—Section 511(i) of the Controlled Substances Act (21 U.S.C. 881(i)) is amended to read as follows:

''(i) The provisions of section 981(g) of title 18, United States Code, regarding the stay of a civil forfeiture proceeding shall apply to forfeitures under this section.''.

SEC. 9. CIVIL RESTRAINING ORDERS.

Section 983 of title 18, United States Code, as added by this Act, is amended by adding at the end the following:

''(j) RESTRAINING ORDERS; PROTECTIVE ORDERS.—

''(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of satisfactory performance bonds, create receiverships, appoint conservators, custodians, appraisers, accountants, or trustees, or take any other action to seize, secure, maintain, or preserve the availability of property subject to civil forfeiture—

''(A) upon the filing of a civil forfeiture complaint alleging that the property with respect to which the order is sought is subject to civil forfeiture; or

''(B) prior to the filing of such a complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

''(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

''(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

''(2) An order entered pursuant to paragraph (1)(B) shall be effective for not more than 90 days, unless extended by the court for good cause shown, or unless a complaint described in paragraph (1)(A) has been filed.

''(3) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when a complaint has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought is subject to civil forfeiture and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

''(4) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.''.

SEC. 10. COOPERATION AMONG FEDERAL PROSECUTORS.

Section 3322(a) of title 18, United States Code, is amended—

(1) by striking ''civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title'' and inserting ''any civil forfeiture provision of Federal law''; and

(2) by striking ''concerning a banking law violation''.

SEC. 11. STATUTE OF LIMITATIONS FOR CIVIL FORFEITURE ACTIONS.

Section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) is amended by inserting '', or in the case of forfeiture, within 2 years after the time when the involvement of the property in the alleged offense was discovered, whichever was later'' after ''within five years after the time when the alleged offense was discovered''.

SEC. 12. DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.

Section 2232 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b);

(2) by inserting ''(e) FOREIGN INTELLIGENCE SURVEILLANCE.—'' before ''Whoever, having knowledge that a Federal officer'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting before subsection (d), as redesignated, the following:

''(a) DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.—Whoever, before, during, or after any search for or seizure of property by

any person authorized to make such search or seizure, knowingly destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government's lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) IMPAIRMENT OF IN REM JURISDICTION.—Whoever, knowing that property is subject to the in rem jurisdiction of a United States court for purposes of civil forfeiture under Federal law, knowingly and without authority from that court, destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of impairing or defeating the court's continuing in rem jurisdiction over the property, shall be fined under this title or imprisoned not more than 5 years, or both.

''(c) NOTICE OF SEARCH OR EXECUTION OF SEIZURE WARRANT OR WARRANT OF ARREST IN REM.—Whoever, having knowledge that any person authorized to make searches and seizures, or to execute a seizure warrant or warrant of arrest in rem, in order to prevent the authorized seizing or securing of any person or property, gives notice or attempts to give notice in advance of the search, seizure, or execution of a seizure warrant or warrant of arrest in rem, to any person shall be fined under this title or imprisoned not more than 5 years, or both.''.

SEC. 13. FUNGIBLE PROPERTY IN BANK ACCOUNTS.

(a) IN GENERAL.—Section 984 of title 18, United States Code, is amended—

(1) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(2) in subsection (a), as redesignated—

(A) by striking ''or other fungible property'' and inserting ''or precious metals''; and

(B) in paragraph (2), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(3) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following: ''(1) Subsection (a) does not apply to an action against funds held by a financial institution in an interbank account unless the account holder knowingly engaged in the offense that is the basis for the forfeiture.''; and

(B) in paragraph (2), by striking ''(2) As used in this section, the term'' and inserting the following:

''(2) In this subsection—

''(A) the term 'financial institution' includes a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7))); and

''(B) the term''; and

(4) by adding at the end the following:

''(d) Nothing in this section may be construed to limit the ability of the Government to forfeit property under any provision of law if the property involved in the offense giving rise to the forfeiture or property traceable thereto is available for forfeiture.''.

SEC. 14. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§ 2466. Fugitive disentitlement

''A judicial officer may disallow a person from using the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action upon a finding that such person—

''(1) after notice or knowledge of the fact that a warrant or process has been issued for his apprehension, in order to avoid criminal prosecution—

''(A) purposely leaves the jurisdiction of the United States;

''(B) declines to enter or reenter the United States to submit to its jurisdiction; or

''(C) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person; and

''(2) is not confined or held in custody in any other jurisdiction for commission of criminal conduct in that jurisdiction.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''2466. Fugitive disentitlement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

SEC. 15. ENFORCEMENT OF FOREIGN FORFEITURE JUDGMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§ 2467. Enforcement of foreign judgment

''(a) DEFINITIONS.—In this section—

''(1) the term 'foreign nation' means a country that has become a party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (referred to in this section as the 'United Nations Convention') or a foreign jurisdiction with which the United States has a treaty or other formal international agreement in effect providing for mutual forfeiture assistance; and

''(2) the term 'forfeiture or confiscation judgment' means a final order of a foreign nation compelling a person or entity—

''(A) to pay a sum of money representing the proceeds of an offense described in Article 3, Paragraph 1, of the United Nations Convention, or any foreign offense described in section 1956(c)(7)(B) of title 18, or property the value of which corresponds to such proceeds; or

''(B) to forfeit property involved in or traceable to the commission of such offense.

''(b) REVIEW BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—A foreign nation seeking to have a forfeiture or confiscation judgment registered and enforced by a district court of the United States under this section shall first submit a request to the Attorney General or the designee of the Attorney General, which request shall include—

''(A) a summary of the facts of the case and a description of the proceedings that resulted in the forfeiture or confiscation judgment;

''(B) certified copy of the forfeiture or confiscation judgment;

''(C) an affidavit or sworn declaration establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant to defend against the charges and that the judgment rendered is in force and is not subject to appeal; and

''(D) such additional information and evidence as may be required by the Attorney General or the designee of the Attorney General.

''(2) CERTIFICATION OF REQUEST.—The Attorney General or the designee of the Attorney General shall determine whether, in the interest of justice, to certify the request, and such decision shall be final and not subject to either judicial review or review under subchapter II of chapter 5, or chapter 7, of title 5 (commonly known as the 'Administrative Procedure Act').

''(c) JURISDICTION AND VENUE.—

''(1) IN GENERAL.—If the Attorney General or the designee of the Attorney General certifies a request under subsection (b), the United States may file an application on behalf of a foreign nation in district court of the United States seeking to enforce the foreign forfeiture or confiscation judgment as if the judgment had been entered by a court in the United States.

''(2) PROCEEDINGS.—In a proceeding filed under paragraph (1)—

''(A) the United States shall be the applicant and the defendant or another person or entity affected by the forfeiture or confiscation judgment shall be the respondent;

''(B) venue shall lie in the district court for the District of Columbia or in any other district in which the defendant or the property that may be the basis for satisfaction of a judgment under this section may be found; and

''(C) the district court shall have personal jurisdiction over a defendant residing outside of the United States if the defendant is served with process in accordance with rule 4 of the Federal Rules of Civil Procedure.

''(d) ENTRY AND ENFORCEMENT OF JUDGMENT.—

''(1) IN GENERAL.—The district court shall enter such orders as may be necessary to enforce the judgment on behalf of the foreign nation unless the court finds that—

''(A) the judgment was rendered under a system that provides tribunals or procedures incompatible with the requirements of due process of law;

''(B) the foreign court lacked personal jurisdiction over the defendant;

''(C) the foreign court lacked jurisdiction over the subject matter;

''(D) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend; or

''(E) the judgment was obtained by fraud.

''(2) PROCESS.—Process to enforce a judgment under this section shall be in accordance with rule 69(a) of the Federal Rules of Civil Procedure.

''(e) FINALITY OF FOREIGN FINDINGS.—In entering orders to enforce the judgment, the court shall be bound by the findings of fact to the extent that they are stated in the foreign forfeiture or confiscation judgment.

''(f) CURRENCY CONVERSION.—The rate of exchange in effect at the time the suit to enforce is filed by the foreign nation shall be used in calculating the amount stated in any forfeiture or confiscation judgment requiring the payment of a sum of money submitted for registration.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''2467. Enforcement of foreign judgment.''.

SEC. 16. ENCOURAGING USE OF CRIMINAL FORFEITURE AS AN ALTERNATIVE TO CIVIL FORFEITURE.

Section 2461 of title 28, United States Code, is amended by adding at the end the following:

''(c) If a forfeiture of property is authorized in connection with a violation of an Act of Congress, and any person is charged in an indictment or information with such violation but no specific statutory provision is made for criminal forfeiture upon conviction, the Government may include the forfeiture in the indictment or information in accordance with the Federal Rules of Criminal Procedure, and upon conviction, the court shall order the forfeiture of the property in accordance with the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section.''.

SEC. 17. ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.

Section 986 of title 18, United States Code, is amended by adding at the end the following:

''(d) ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.—

''(1) IN GENERAL.—In any civil forfeiture case, or in any ancillary proceeding in any criminal forfeiture case governed by section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)), in which—

''(A) financial records located in a foreign country may be material—

''(i) to any claim or to the ability of the Government to respond to such claim; or

''(ii) in a civil forfeiture case, to the ability of the Government to establish the forfeitability of the property; and

''(B) it is within the capacity of the claimant to waive the claimant's rights under applicable financial secrecy laws, or to obtain the records so that such records can be made available notwithstanding such secrecy laws;

the refusal of the claimant to provide the records in response to a discovery request or to take the action necessary otherwise to make the records available shall be grounds for judicial sanctions, up to and including dismissal of the claim with prejudice.

''(2) PRIVILEGE.—This subsection shall not affect the right of the claimant to refuse production on the basis of any privilege guaranteed by the Constitution of the United States or any other provision of Federal law.''.

SEC. 18. APPLICATION TO ALIEN SMUGGLING OFFENSES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended to read as follows:

''(b) SEIZURE AND FORFEITURE.—

''(1) IN GENERAL.—Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Attorney General.

''(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

''(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

''(B) Official records of the Service or of the Department of State showing that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

''(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.''.

(b) TECHNICAL CORRECTIONS TO EXISTING CRIMINAL FORFEITURE AUTHORITY.—Section 982(a)(6) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting ''section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or'' before ''section 1425'' the first place it appears;

(B) in clause (i), by striking ''a violation of, or a conspiracy to violate, subsection (a)'' and inserting ''the offense of which the person is convicted''; and

(C) in subclauses (I) and (II) of clause (ii), by striking ''a violation of, or a conspiracy to violate, subsection (a)'' and all that follows through ''of this title'' each place it appears and inserting ''the offense of which the person is convicted'';

(2) by striking subparagraph (B); and

(3) in the second sentence—

(A) by striking ''The court, in imposing sentence on such person'' and inserting the following:

''(B) The court, in imposing sentence on a person described in subparagraph (A)''; and

(B) by striking ''this subparagraph'' and inserting ''that subparagraph''.

SEC. 19. ENHANCED VISIBILITY OF THE ASSET FORFEITURE PROGRAM.

Section 524(c)(6) of title 28, United States Code, is amended to read as follows:

''(6)(A) The Attorney General shall transmit to Congress and make available to the public, not later than 4 months after the end of each fiscal year, detailed reports for the prior fiscal year as follows:

''(i) A report on total deposits to the Fund by State of deposit.

''(ii) A report on total expenses paid from the Fund, by category of expense and recipient agency, including equitable sharing payments.

''(iii) A report describing the number, value, and types of properties placed into official use by Federal agencies, by recipient agency.

''(iv) A report describing the number, value, and types of properties transferred to State and local law enforcement agencies, by recipient agency.

''(v) A report, by type of disposition, describing the number, value, and types of forfeited property disposed of during the year.

''(vi) A report on the year-end inventory of property under seizure, but not yet forfeited, that reflects the type of property, its estimated value, and the estimated value of liens and mortgages outstanding on the property.

''(vii) A report listing each property in the year-end inventory, not yet forfeited, with an outstanding equity of not less than $1,000,000.

''(B) The Attorney General shall transmit to Congress and make available to the public, not later than 2 months after final issuance, the audited financial statements for each fiscal year for the Fund.

''(C) Reports under subparagraph (A) shall include information with respect to all forfeitures under any law enforced or administered by the Department of Justice.

''(D) The transmittal and publication requirements in subparagraphs (A) and (B) may be satisfied by—

''(i) posting the reports on an Internet website maintained by the Department of Justice for a period of not less than 2 years; and

''(ii) notifying the Committees on the Judiciary of the House of Representatives and the Senate when the reports are available electronically.''.

SEC. 20. PROCEEDS.

(a) FORFEITURE OF PROCEEDS.—Section 981(a)(1)(C) of title 18, United States Code, is amended by striking ''or a violation of section 1341'' and all that follows and inserting ''or any offense constituting 'specified unlawful activity' (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.''.

(b) DEFINITION OF PROCEEDS.—Section 981(a) of title 18, United States Code, is amended by adding at the end the following:

''(2) For purposes of paragraph (1), the term 'proceeds' is defined as follows:

''(A) In cases involving illegal goods, illegal services, unlawful activities, and telemarketing and health care fraud schemes, the term 'proceeds' means property of any kind obtained directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the offense.

''(B) In cases involving lawful goods or lawful services that are sold or provided in an illegal manner, the term 'proceeds' means the amount of money acquired through the illegal transactions resulting in the forfeiture, less the direct costs incurred in providing the goods or services. The claimant shall have the burden of proof with respect to the issue of direct costs. The direct costs shall not include any part of the overhead expenses of the entity providing the goods or services, or any part of the income taxes paid by the entity.

''(C) In cases involving fraud in the process of obtaining a loan or extension of credit, the court shall allow the claimant a deduction from the forfeiture to the extent that the loan was repaid, or the debt was satisfied, without any financial loss to the victim.''.

SEC. 21. EFFECTIVE DATE.

Except as provided in section 14(c), this Act and the amendments made by this Act shall apply to any forfeiture proceeding commenced on or after the date that is 120 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. 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. 1658.

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

There was no objection.

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

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

Mr. HYDE. Mr. Speaker, this bill represents the culmination of a 7-year effort to reform our Nation's civil asset forfeiture laws. We would not be here today without the momentum generated by the House's passage of H.R. 1658 last June by the overwhelming vote of 375–48. That vote was made possible by the tireless support of my colleagues, the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary; the gentleman from Georgia (Mr. BARR); and the gentleman from Massachusetts (Mr. FRANK) and their staffs.

House passage was also made possible by the support of a multitude of organizations who put aside their differences to work toward a common goal: the National Association of Criminal Defense Lawyers, Americans for Tax Reform, the American Civil Liberties Union, the National Rifle Association, the American Bar Association, the National Association of Realtors, the Credit Union National Association, the American Bankers Association, the Aircraft Owners and Pilots Association, the National Association of Home Builders, the Boat Owners Association of the United States, United States Chamber of Commerce, the National Apartment Association, the American Hotel and Motel Association, and the Law Enforcement Alliance of America.

H.R. 1658 only got us through the House. Forfeiture reform would not

have become a reality had the cause not been adopted by ORRIN HATCH, the chairman of the Senate Committee on the Judiciary; and PAT LEAHY, the committee's ranking member. I owe a debt of gratitude to the Senators and their staffs for succeeding in crafting a bill that could get through the Senate and yet retain all the necessary elements of reform.

I must thank Senators SESSIONS and SCHUMER and their staffs for negotiating in the utmost good faith in helping craft a bill that both reforms our forfeiture laws and yet leaves civil forfeitures as an important crime-fighting tool for Federal, State, and local law enforcement.

Similar thanks must go to Attorney General Reno and Assistant Attorney General Robert Raben. They can all be proud of what they helped to accomplish.

I also must thank our former colleague Bob Bauman and Brenda Grantland of Forfeiture Endangers American Rights for their long and dedicated work on behalf of forfeiture reform, and Chicago Tribune columnist Stephen Chapman for first alerting me to the great abuses of forfeiture laws.

And I must thank David Smith, who has been there since the beginning. David helped me draft my first forfeiture reform bill, the Civil Asset Forfeiture Reform Act of 1993, and helped draft Senators LEAHY's and HATCH's reform bill and helped draft the Senate-passed bill we are considering today. This bill is truly his accomplishment.

And finally, George Fishman of our Committee on the Judiciary staff has been tireless in helping shepherd this legislation through the House and Senate.

Let me briefly outline the main points of H.R. 1658 as passed by the Senate. The bill makes eight fundamental reforms:

(1) The bill requires the Government to prove by a preponderance of the evidence that the property is subject to forfeiture. Currently, when a property owner goes to Federal court to challenge a seizure of property, all the Government needs to do is make an initial showing of probable cause that the property is subject to civil forfeiture. The owner then must establish that the property is innocent.

(2) The bill provides that if the Government's theory of forfeiture is that the property was used to commit or facilitate the commission of a crime or was involved in the commission of a crime, the Government must show that there was a substantial connection between the property and the crime.

(3) The bill provides that property can be released by a Federal court pending final disposition of a civil forfeiture case if continued possession by the Government would cause the property owner substantial hardship, such as preventing the functioning of a business or leaving an individual homeless, and the likely hardship outweighs the risks that the property will be destroyed, damaged, lost, concealed or transferred if returned to the owner.

(4) The bill provides that property owners who substantially prevail in court proceedings challenging the seizure of their property will receive reasonable attorney's fees. In addition, the bill allows a court to provide counsel for indigents if they are represented by appointed counsel in related criminal cases. Currently, property owners who successfully challenge the seizure of their property almost never are awarded attorney's fees. In addition, indigents have no right to appointed counsel in civil forfeiture cases.

(5) The bill eliminates the cost bond requirement, under which a property owner must now post a bond of the lesser of $5,000 or 10 percent of the value of the property seized merely for the right to contest a civil forfeiture in Federal court. The bill provides that if a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine.

(6) The bill creates a uniform innocent owner defense for all Federal civil forfeiture statutes. Importantly, the defense protects property owners who have given timely notice to the police of the illegal use of their property and have in a timely fashion revoked or made a good faith attempt to revoke permission to use the property from those engaging in the illegal conduct.

(7) The bill allows property owners to sue the Federal Government for compensation for damage to their property when they prevail in civil forfeiture actions. Currently, the Federal Government is exempt from liability for damage caused during the handling or storage of property being detained by law enforcement officers.

(8) The bill provides a uniform definition of the forfeitable proceeds of criminal acts. In cases involving illegal goods or services, unlawful activities and telemarketing and health care fraud schemes, proceeds are properties obtained directly or indirectly as a result of the commission of the offenses giving rise to forfeiture, and any properties traceable thereto, and are not limited to the net gain or profit realized from the offenses. In cases involving lawful goods or services that are sold or provided in an illegal manner, proceeds are money acquired through the illegal transactions less the direct costs incurred in providing the goods or services.

H.R. 1658 also contains a number of provisions addressing the needs of the Justice Department and State and local law enforcement.

□ 1345

These include increasing the availability of criminal forfeiture and the civil forfeiture of the proceeds of crimes, relaxing the statute of limitations governing civil forfeiture actions, allowing Federal courts discretionary use of the fugitive disentitlement doctrine, allowing Federal courts to enhance forfeiture judgments of foreign nations, allowing Federal courts to impose sanctions up to and including dismissal of an owner's claim if property owners who have filed claims in civil forfeiture cases refuse to provide the government with access to potentially material financial records in foreign countries, and allowing Federal courts to issue civil restraining orders against property where there is a substantial probability the government will prevail in civil forfeiture actions.

This bill is one we can all be proud of. It returns civil asset forfeiture to the ranks of respected law enforcement tools that can be used without risk to the civil liberties and property rights of American citizens. We are all better off that this is so.

Mr. Speaker, I insert into the RECORD at this point a Congressional Budget Office letter on this matter. I urge my colleagues to support this bill today.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 5, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1658, the Civil Asset Forfeiture Reform Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Keith (for federal costs), who can be reached at 226–2860, and Shelley Finlayson (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1658—Civil Asset Forfeiture Reform Act of 2000

Summary: H.R. 1658 would make many changes to federal asset forfeiture laws that would affect the processing of about 60,000 civil seizures conducted each year by the Department of justice (DOJ) and the Department of the Treasury. (The Treasury Department makes an additional 50,000 seizures annually that would not be affected by this act.) Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1658 would cost $9 million over the 2001–2005 period to pay for additional costs of court-appointed counsel that would be authorized by this legislation. In addition, enacting the legislation would affect direct spending and receipts; therefore, pay-as-you-go procedures would apply.

Because CBO expects that enacting H.R. 1658 would result in fewer civil seizures by DOJ and the Treasury Department, we estimate that governmental receipts (i.e., revenues) deposited into the Assets Forfeiture Fund and the Treasury Forfeiture Fund would decrease by about $115 million each year beginning in fiscal year 2001. Under current law, both forfeiture funds are authorized to collect revenue and spend the balance without further appropriation. Thus, the corresponding direct spending from the two funds would also decline, but with some lag. CBO estimates that enacting this provision would decrease projected surpluses by a total of $46 million over the fiscal years 2001 and 2002 (the difference between lower revenues and lower direct spending over those years),

but that by fiscal year 2003 the changes in receipts and spending would be equal, resulting in no net budgetary impact thereafter.

H.R. 1658 also would require the Legal Services Corporation (LSC) to represent certain claimants in civil forfeiture cases and would require the federal government to reimburse the LSC for its costs. CBO estimates that this provision would increase direct spending by $5 million over the 2001–2005 period.

In addition, H.R. 1658 would make the federal government liable for any property damage, attorney fees, and pre-judgment and post-judgment interested payments on certain assets to prevailing parties in civil forfeiture proceedings. CBO cannot estimate either the likelihood or the magnitude of such awards because there is no basis for predicting either the outcome of possible litigation or the amount of compensation.

H.R. 1658 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO expects that enacting this legislation would lead to a reduction in payments to state and local governments from the Assets Forfeiture Fund and the Treasury Forfeiture Fund.

Description of the Act's major provisions: H.R. 1658 would make various changes to federal laws relating to the forfeiture of civil assets. In particular, the act would:

Establish a short statutory time limit for the federal government to notify interested parties of a seizure and to file a complaint;

Eliminate the cost bond requirement, whereby claimants have to post bond in an amount of the lesser of $5,000 or 10 percent of the value of the seized property (but not less than $250) to preserve the right to contest a forfeiture;

Permit federal courts to appoint counsel for certain indigent claimants;

Increase the federal government's burden of proof to a preponderance of the evidence;

Require the federal government to compensate prevailing claimants for property damage;

Establish the federal government's liability for payment of attorney fees and pre-judgment and post-judgment interest; and

Authorize the use of forfeited funds to pay restitution to crime victims.

Estimated cost to the Federal Government: As shown in the following table, CBO estimates that implementing H.R. 1658 would increase discretionary spending for court-appointed counsel by $9 million over the 2001–2005 period, assuming appropriation of the necessary funds. (For the purposes of this estimate. CBO assumes that spending for this purpose would be funded with appropriated amounts from the Defender Services account.) In addition, we estimate that over the 2001–2005 period, the reductions in direct spending of funds from forfeited assets would be smaller than the reductions in revenues estimated to occur as a result of enacting H.R. 1658, resulting in a net cost of $46 over the five-year period. Finally, CBO estimates that additional payments to the Legal Services Corporation would be about $1 million each year. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars					
	2000	2001	2002	2003	2004	2005
Spending subject to appropriation						
Spending Under Current Law Defender Services:						
Estimated Authorization Level [1]	375	387	397	408	419	429
Estimated Outlays	373	389	398	408	419	429
Proposed Changes:						
Estimated Authorization Level	0	1	2	2	2	2
Estimated Outlays	0	1	2	2	2	2
Spending Under H.R. 1658 for Defender Services:						
Estimated Authorization Level [1]	375	388	399	410	421	431
Estimated Outlays	373	390	399	410	421	431
Changes in revenues and direct spending						
Changes in Forfeiture Receipts:						
Estimated Revenues	0	−115	−115	−115	−115	−115
Spending of Forfeiture Receipts:						
Estimated Budget Authority	0	−115	−115	−115	−115	−115
Estimated Outlays	0	−76	−108	−115	−115	−115
Payments to the Legal Services Corporation:						
Estimated Budget Authority	0	1	1	1	1	1
Estimated Outlays	0	1	1	1	1	1

[1] The 2000 level is the amount appropriated for that year. The estimated authorization levels for 2001 through 2005 reflect CBO baseline estimates, assuming adjustments for anticipated inflation.

Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 1658 will be enacted by the end of fiscal year 2000 and that the necessary amounts will be appropriated for each fiscal year. We also assume that outlays for defender services and the use of forfeiture receipts will continue to follow historical patterns.

Spending subject to appropriation

H.R. 1658 would allow for court-appointed counsel for certain parties contesting a forfeiture who already have been appointed counsel in a related criminal case. The act also would eliminate the requirement that claimants post bond before the case is tried in federal court. Consequently, CBO anticipates that enacting H.R. 1658 would make it easier for people whose assets have been seized to challenge the forfeiture of such assets. Based on information from DOJ, we estimate that the percentage of seizures that would result in contested civil cases would increase from 5 percent annually to at least 20 percent in fiscal year 2001. As the defense bar becomes increasingly aware of and more familiar with the provisions of H.R. 1658, CBO expects that the percentage of contested civil cases would increase to about 30 percent each year.

While the decision to appoint counsel would be at the discretion of the judge assigned to each case, CBO expects that judges would not want to encourage litigation in many cases. Moreover, CBO expects that many of the contested cases would involve larger assets, and such cases usually do not involve indigent claimants who would need court-appointed counsel. Based on information from DOJ, CBO estimates that a small number of indigent claimants in civil forfeiture cases would also have a criminal case pending. Specifically, we estimate that court-appointed counsel would be provided in about 5 percent of contested civil cases. In addition, because forfeiture cases involve property, the courts might have to appoint more than one attorney to represent multiple claimants in the same case. Historical data suggest an average of 1.5 claims per case.

While H.R. 1658 does not specify a level of compensation paid to court-appointed counsel for a civil forfeiture case, CBO expects such payment would be equivalent to amounts paid in criminal cases. Based on information from the Administrative Office of the United States Courts, CBO estimates that court-appointed counsel would be paid about $3,000 per claimant per case. In total, we estimate that additional defender services related to civil asset forfeiture proceedings would cost about $9 million over the next five years.

In addition, other discretionary spending could be affected by this act. On the one hand, the federal court system could require additional resources in the future if additional cases are brought to trial and the amount of time spent on each case increases. On the other hand, some savings in law enforcement resources could be realized if fewer seizures and conducted each year. While CBO cannot predict the amount of any such costs or savings, we expect that, on balance, implementing the act would result in no significant additional discretionary spending other than the increases for court-appointed counsel.

Revenues and direct spending

Based on information from DOJ and the Treasury Department, CBO estimates that about 23,000 seizures that would otherwise occur each year under current law would be eliminated under H.R. 1658. (Such seizures primarily involve assets whose value is less than $25,000.) The various changes to civil forfeiture laws under this act would make proving cases more difficult and more time-consuming for the federal government. In many instances, law enforcement agencies, including the state and local agencies that work on investigations jointly with the federal government and then receive a portion of the receipts generated from the forfeitures, many determine that certain cases, especially those with a value less than $25,000, may no longer be cost-effective to pursue. While the federal government and other law enforcement agencies would take a few years following enactment of the legislation to realize the full effects of its provisions on the forfeiture and claims process, CBO expects that the total number of seizures would decrease by nearly 40 percent. CBO estimates that such a reduction in seizures would reduce total forfeiture receipts by about $115 million in fiscal year 2001 and by $575 million over the 2001–2005 period.

The receipts deposited into the Assets Forfeiture Fund and the Treasury Forfeiture fund are used to pay for all costs associated with the operation of the forfeiture program, the payment of equitable shares of proceeds to foreign, state, and local law enforcement agencies, and other expenses not directly associated with a forfeiture case, such as payment of awards to informants. In recent

years about 67 percent of total asset forfeiture receipts collected in a given year are spent in the same year in which they are collected; therefore, we estimate that enacting H.R. 1658 would result in a decrease in federal spending of $76 million in fiscal year 2001, $108 million in 2001, and $115 million annually in subsequent years.

In addition, H.R. 1658 would require the Legal Service Corporation to represent claimants in financial need and whose claim involves an asset that is the claimant's primary residence. Under H.R. 1658, the court must enter a judgment in favor of the LSC for the cost of legal representation. Based on historical data, CBO estimates that such judgments would increase direct spending by about $1 million a year.

Additional potential budgetary impacts

In addition, this act would make the federal government liable for any property damage, attorney fees, and pre-judgment and post-judgment interest payments on certain assets to prevailing parties in civil forfeiture proceedings. However, CBO cannot estimate either the likelihood or the magnitude of such awards because there is no basis for predicting either the outcome of possible litigation or the amount of compensation. Compensation payments could come from appropriated funds or occur without further appropriation from the Judgment Fund, or from both sources.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The following table summarizes the estimated pay-as-you-go effects of H.R. 1658. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By Fiscal Year, in Millions of Dollars										
	200	201	202	203	204	205	206	207	208	209	2010
Changes in outlays	0	−75	−107	−114	−114	−114	−114	−114	−114	−114	−114
Changes in receipts	0	−115	−115	−115	−115	−115	−115	−115	−115	−115	−115

Estimated impact on state, local, and tribal governments: H.R. 1658 contains no intergovernmental mandates as defined in UMRA. However, because CBO expects that the seizure of assets would decline under the act, CBO estimates that payments to state and local law enforcement agencies from the Assets Forfeiture Fund and the Treasury Forfeiture Fund would decline by about $230 million over the 2001–2005 period. State and local law enforcement agencies receive, on average, about 40 percent of the receipts in these forfeiture funds either because they participate in joint investigations that result in the seizure of assets, or because they turn over assets seized in their own investigations to the federal government, which conducts the civil asset forfeiture case. In both cases the receipts from a seizure are accumulated in the funds and a portion is distributed to state and local agencies according to their involvement.

Estimated impact on the private sector: This act would impose no new private-sector mandates as defined in UMRA.

Previous CBO transmitted a cost estimate for H.R. 1658 as reported by the House Committee on the Judiciary on June 18, 1999. While the two versions of the legislation are similar, we estimate they would have different costs. CBO estimates the House version would result in a greater loss of forfeiture receipts, by $25 million annually, than the version approved by the Senate Committee on the Judiciary because the House version would place the burden of proof in assets forfeiture cases more heavily on the federal government.

In addition, the House version of H.R. 1658 would not require payments to the Legal Services Corporation for representation of certain claimants whose principal residence has been seized. Finally, CBO estimates that the Senate version of the legislation would authorize less spending than the House version for the legal representation of indigent claimants because it restricts the eligibility requirements for this service more than the House legislation. We estimate this representation would cost about $2 million annually under the Senate version and about $13 million annually under the House version.

Estimate prepared by: Federal Costs: Lanette J. Keith. Impact on State, Local, and Tribal Governments: Shelley Finlayson. Impact on the Private Sector: John Harris.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Speaker, since no Committee Report was filed for H.R. 1658 by the Senate Judiciary Committee, the House Judiciary Committee Report remains the best legislative history as to the bill. *See* H.R. Rep. No. 106–192 (1999). However, since new provisions were added to the bill in the Senate and other provisions were modified from their original House form, it will be useful for me to make a number of clarifying points.

STANDARD OF PROOF (SECTION 2—CREATING 18 U.S.C. SEC. 983(C))

H.R. 1658, as amended by the Senate, reduced the standard of proof the government has to meet in civil asset forfeiture cases from clear and convincing evidence to a preponderance of the evidence. While this is obviously a lower standard, Congress remains extremely dubious as to the probative value of certain types of evidence in meeting this standard.

First, as noted in the Committee Report to H.R. 1658, Congress is very skeptical that a person's carrying of ''unreasonably large'' quantities of cash is indicative of involvement in the drug trade. *See* H.R. Rep. No. 106–192 at 8. Many federal courts have ruled that a person's carrying of large amounts of cash does not even meet the current government burden of probable cause. The Seventh Circuit so ruled in *U.S.* v. *$506,231 in U.S. Currency,* 125 F. 3d 442 (7th Cir. 1997). The court found that ''[a]s far as we can tell, no court in the nation has yet held that, standing alone, the mere existence of currency, even a lot of it, is illegal. We are certainly not willing to be the first to so hold.'' *Id.* at 452. The court also found it necessary to remind a U.S. Attorney that ''the government may *not* seize money, even half a million dollars, based on its bare assumption that most people do not have huge sums of money lying about, and if they do, they must be involved in narcotics trafficking or some other sinister activity.'' *Id.* at 454 (emphasis in original). The Ninth Circuit found similarly. *See U.S.* v. *$191,910 in U.S. Currency,* 16 F.3d 1051, 1072 (9th Cir. 1994) (''[A]ny amount of money, standing alone, would probably be insufficient to establish probable cause for forfeiture.''); *See also U.S.* v. *One Lot of U.S. Currency ($36,634*), 103 F.3d 1048, 1055 n.9 (1st Cir. 1997); *U.S.* v. *$121,100,* 999 F.2d 1503, 1507 (11th Cir. 1993). Congress disagrees with those courts that have suggested otherwise. *See U.S.* v. *$37,780 in U.S. Currency,* 920 F.2d 159, 162 (2nd Cir. 1990). Clearly, if large amounts of cash do not meet the probable cause standard, they do not meet the higher standard of preponderance of the evidence.

The government can rely on large amounts of cash in conjunction with other evidence in attempting to meet its standard of proof. For instance, large amounts of cash found in proximity to drugs are often relied upon. However, the probative value of this evidence is much lower when the amount of drugs found is consistent with personal use. *See U.S.* v. *Real Property Located at 110 Collier Dr.*, 793 F. Supp. 1048, 1052 (N.D. Ala. 1992) (''The simultaneous presence of $8,861 in mildewed currency and a small amount of drugs for personal use . . . does not establish probable cause that the currency was intended to be used for the exchange of drugs.'')

In any event, the relative evidentiary contribution of cash in meeting a standard of proof, especially one raised above mere probable cause, should rarely be significant. Why? As the court found in *U.S.* v. *One Lot of U.S. Currency Totalling $14,665*, 33 F. Supp.2d 47 (D. Mass. 1998), reliance on cash can involve invidious assumptions: ''[m]any immigrants and Americans with limited means—hard working and law abiding—prefer to use cash in lieu of bank accounts and credit cards. * * * Indeed, the whole notion that carrying cash is indicative of illegal conduct reflects class and cultural biases that are profoundly troubling.'' *Id.* at 53–54.

Of especially little probative value is the method by which cash is carried. As the court found in *One Lot of U.S. Currency Totalling $14,665:*

> I do not doubt that drug couriers and dealers use rubber bands to bundle their illgotten gains. However, drug dealers also presumably use belts to hold up their trousers; under the government's analysis, if [the claimant] was wearing a belt at the time of the seizure, it would suggest his involvement with illegal activity. Although many courts appear to disagree, I find that the government's 'rubber band' hypothesis doesn't stretch quite that far.

Id. at 54 (footnotes omitted). *See also $506,231 in U.S. Currency,* 125 F.3d at 452.

The second type of evidence whose probative value is questioned by Congress is the fact that airline tickets are purchased with cash. *See* H.R. Rep. No. 106–192 at 8. *See also One Lot of U.S. Currency ($36,634),* 103 F.3d at 1055 n. 9. *U.S.* v. $40,000 in U.S. Currency, 999 F. Supp. 234, 238 (D.P.R. 1998); *U.S.* v. *Funds in the Amount of $9,800,* 952 F. Supp. 1254, 1261 (N.D. III. 1996).

The third type of disfavored evidence is narcotic dog alerts on currency. As one commentator has noted:

> It has been estimated that one out of every three circulating bills has been involved in a cocaine transaction. Cocaine and other drugs attach to the oily surface of currency in a variety of ways. Each contaminated bill contaminates others as they pass through cash

registers, cash drawers, wallets, and counting machines. If, in fact, a substantial part of the currency in this country will cause a trained dog to alert, then the alert obviously has no evidentiary value.

Smith, 1 *Prosecution and Defense of Forfeiture Cases* sec. 4.03, p. 4–82.3 (footnotes omitted). The author cites experts finding that 70–97% of all currency is contaminated with cocaine. *Id.* at sec. 4.03, p. 4–82.1–4–82.2.

Many federal courts have agreed as to the low probative value of dog alerts. *See, e.g., $506,231 in U.S. Currency,* 125 F.3d at 453; *Muhammed* v. *Drug Enforcement Agency,* 92 F.3d 648, 653 (8th Cir. 1996)(''The fact of contamination, alone, is virtually meaningless and gives no hint of when or how the cash became so contaminated.''); *U.S.* v. *$5,000 in U.S. Currency,* 40 F.3d 846, 849 (6th Cir. 1994) (''[T]he evidentiary value of narcotics dog's alert [is] minimal.'') (footnote omitted); *U.S.* v. *U.S. Currency, $30,060*, 39 F.3d 1039 (9th Cir. 1994) (''[T]he continued reliance of courts and law enforcement officers on [drug dog alerts] to separate 'legitimate' currency from 'drug-connected' currency is logically indefensible.'" *Id.* at 1043, *quoting Jones* v. *U.S. Drug Enforcement Administration*, 819 F. Supp. 698, 721 (M.D. Tenn. 1993) (footnote omitted)); *U.S.* v. *$53,082 in U.S. Currency*, 985 F.2d 245 (6th Cir. 1993) (''[A] court should 'seriously question the value of a dog's alert without other persuasive evidence. . . .'" *Id.* at 250–51 n.5, *quoting U.S.* v. *$80,760 in U.S. Currency*, 781 F. Supp. 462, 476 (N.D. Tex. 1991), *aff'd*, 978 F.2d 709 (5th Cir. 1992); *One Lot of U.S. Currency Totalling $14,665*, 33 F. Supp.2d at 58. *See also U.S.* v. *$639,558 in U.S. Currency*, 955 F.2d 712, 714 n.2 (D.C. Cir. 1992). Dog alerts of little value in meeting a standard of probable cause, and are of even less value in meeting a standard of preponderance of the evidence.

Adding the above factors together, ''[t]he government must come forward with more than a 'drug-courier profile' and a positive dog sniff [to meet the standard of probable cause].'' *Funds in the Amount of $9,800,* 952 F. Supp. at 1261.'' As the court ruled in *$80,760 in U.S. Currency,* 781 F. Supp. at 475, ''[p]rofile characteristics are of little value in the forfeiture context without other persuasive evidence establishing the requisite substantial connection.'' *See also Jones,* 819 F. Supp. at 719 (''The mere fact that a traveler matches some elements of a drug courier profile does not amount to even articulable suspicion, much less probable cause.''). The same holds true, to an even greater extent, when the standard is preponderance of the evidence.

Lastly, ''[a]n owner does not have to prove where he obtained money until the government demonstrates that it has [met its burden] to believe the money is forfeitable.'' *$506,231 in U.S. Currency,* 125 F.3d at 454.

I should also note that while hearsay may be used to establish probable cause for seizure, *see U.S.* v. *One 56 Foot Motor Yacht Named Tahuna*, 702 F.2d 1276, 1282–83 (9th Cir. 1983), it is not admissible to establish the forfeitability of property by a preponderance of the evidence. And, while the government may use evidence obtained after the forfeiture complaint is filed to establish the forfeitability of the property by a preponderance of the evidence, the government must still have had enough evidence to establish probable cause at the time of filing (or seizure, if earlier). The bill is not intended to limit the right of either party to bring a motion for summary judgment after the filing of the complaint pursuant to Fed. R. Civ. P. 56(a) or 56(b).

FACILITATING PROPERTY (SECTION 2—CREATING 18 U.S.C. SEC. 983(C))

While H.R. 1658 as it was introduced and originally passed in the House contained no provision reforming the standards regarding ''facilitation'' forfeiture, this is an issue about which I have been long concerned. *See* Hyde, *Forfeiting Our Property Rights: Is Your Property Safe From Seizure*? 61 (1995) I am gratified that it is addressed in the Senate amendment to H.R. 1658.

There are many facilitation-type civil forfeiture provisions in the U.S. Code. Most importantly, the federal drug laws make subject to civil forfeiture ''[a]ll conveyances . . . which are used, or intended for use . . . in any manner to facilitate the transportation, sale, receipt, possession, or concealment of [controlled substances] . . . .'' 21 U.S.C. sec. 881(a)(4). They also make subject to forfeiture ''[a]ll moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter . . . .'', 21 U.S.C. sec. 881(a)(6), and ''[a]ll real property . . . which is used, or intended to be used, in any manner or part, to . . . facilitate the commission of a violation of this subchapter punishable by more than one year's imprisonment . . . [.]'' 21 U.S.C. sec. 881(a)(7). Also, federal law make subject to civil forfeiture ''[a]ny property, real or personal, involved in a transaction or attempted transaction in violation of [certain money laundering laws] . . . .'' 18 U.S.C. sec. 981(a)(1)(A).

How strong need the connection be between the ''facilitating'' property and the underlying crime? As to 881(a)(6), courts have interpreted its legislative history as requiring there to be a ''substantial connection'' between the property and the crime. *See* Psychotropic Substances Act of 1978, Joint Explanatory Statements of Titles II and III, 95th Cong., 2nd Sess., *reprinted in* 1978 U.S. Code Cong. & Admin News 9518, 9522.

As to 881(a)(7), many courts require there to be a substantial connection. *See, e.g., U.S.* v. *Parcel of Land & Residence at 28 Emery St.,* 914 F.2d 1, 3–4 (1st Cir. 1990); *U.S.* v. *26.075 Acres, Located in Swift Creek Township,* 687 F. Supp. 1005 (E.D.N.C. 1988), *aff'd sub nom. U.S.* v. *Santoro,* 866 F.2d 1538, 1542 (4th Cir. 1989); *U.S.* v. *Forfeiture, Stop Six Center,* 781 F. Supp. 1200, 1205–06 (N.D. Tex. 1991). Others do not. The Seventh Circuit has ruled that the facilitating property need only have ''more than an incidental or fortuitous connection to criminal activity . . . .'' *U.S.* v. *Real Estate Known as 916 Douglas Ave.,* 903 F.2d 490, 493 (7th Cir. 1990), *cert. denied sub nom. Born* v. *U.S.* 498 U.S. 1126 (1991). *See also U.S.* v. *Property at 4492 S. Livonia Rd.,* 889 F.2d 1258, 1269 (2nd Cir. 1989) (test is ''sufficient nexus'').

How significant is the difference? The Seventh Circuit in *916 Douglas Ave.* has found that ''[t]he difference between th[e substantial connection] approach and our own appears largely to be semantic rather than practical.'' 903 F.2d at 494. This might be the case—the Fourth Circuit has ruled that under the substantial connection test, ''[a]t minimum, the property must have more than an incidental or fortuitous connection to criminal activity[!]'' *U.S.* v. *Schifferli,* 895 F.2d 987, 990 (4th Cir. 1990). Some courts don't even feel the need to choose between the tests, ruling that facilitation has been shown in particular cases under either test. *See U.S.* v. *Rd 1, Box 1, Thompsontown,* 952 F.2d 53, 57 (3rd Cir. 1991); *U.S.* v. *Real Property and Residence at 3097 S.W. 111th Ave.,* 921 F.2d 1551, 1556 (11th Cir. 1991), *cert. denied,* 111 S.Ct. 1090 (1991).

As to 881(a)(4), some courts have applied the substantial connection test. *See U.S.* v. *1966 Beechcraft Aircraft,* 777 F.2d 947, 953 (4th Cir. 1985); *U.S.* v. *One 1979 Porsche Coupe,* 709 F.2d 1424, 1426 (11th Cir. 1983). Others have not. See *U.S.* v. *1964 Beechcraft Baron Aircraft,* 691 F.2d 725, 727 (5th Cir. 1982), *cert. denied,* 461 U.S. 914 (1983).

H.R. 1658 provides that the substantial connection test should be used whenever facilitating property is subject to civil forfeiture under the U.S. Code. And the test is intended to mean something, it is intended to require that facilitating property have a connection to the underlying crime significantly greater than just ''incidental or fortuitous.''

In one area in particular, courts have been much too liberal in finding facilitation. An especially high standard should have to be met before we dispossess a person or family of their home. A primary residence should be accorded far greater protection than mere personal property. *See U.S.* v. *Certain Lots in Virginia Beach,* 657 F. Supp. 1062, 1065 (E.D. Va. 1987). But, courts have not always felt this way in applying section 881(a)(7). In *U.S.* v. *Premises and Real Property at 250 Kreag Rd.,* 739 F. Supp. 120, 124 (W.D.N.Y. 1990), the court found a home forfeitable because the owner grew 17 stalks of marijuana in his backyard of home for personal use (standard used was unclear). *See also U.S.* v. *One Parcel of Real Property*, 960 F.2d 200, 205 (1st Cir. 1992). The court in *916 Douglas Ave.* found a home forfeitable on the basis of three phone calls made to or from it regarding the sale of two ounces of cocaine. ''The loss of one's home for the sale of a small amount of cocaine is undoubtedly a harsh penalty'', but that is what Congress intended. 903 F.2d at 494 (no substantial connection needed). In *U.S.* v. *Plescia,* 48 F.3d 1452, 1462 (7th Cir. 1995), one phone call to set up a large drug deal resulted in the forfeiture of a home (no substantial connection needed). *See also U.S.* v. *Zuniga*, 835 F. Supp. 622 (M.D. Fla. 1993) (Under a ''substantial connection'' or lesser test, ten calls involving drug offenses resulted in the forfeiture of a house (under a criminal forfeiture statute with an ''identical'' burden as 881(a)(7)).). None of these cases would meet the substantial connection test provided in H.R. 1658.

Under the substantial connection test, should an entire bank account be forfeitable because some of its assets were involved in money laundering? In *U.S.* v. *All Monies ($477,048.62 in account #90–3617–3,* 754 F. Supp. 1467 (D.Haw. 1991), the court ruled that under sec. 881(a)(6) and 18 U.S.C. sec. 981(a)(1)(A), the government showed probable cause that an entire bank account worth approximately $477,000 was forfeitable for being involved in/facilitated drug and money laundering offenses, not just the approximately $242,000 in the account representing the proceeds of a drug crime. The court found that ''both the legitimate and tainted money in the

account aided [the laundering of drug proceeds]. The account provided a repository for the drug proceeds in which the legitimate money could provide a 'cover' for those proceeds, thus making it more difficult to trace the proceeds.'' *Id.* at 1475–76 (substantial connection required).

Such a doctrine can quickly lead to unfair and disproportionate results. The 10th Circuit presents the proper limitation:

[T]he mere pooling or commingling of tainted and untainted funds in an account does not, without more, render the entire contents of the account subject to forfeiture. . . . [F]orfeiture of legitimate and illegitimate funds commingled in an account is proper as long as the government demonstrates that the . . . [owner] pooled the funds to facilitate, i.e., disguise the nature and source of, his scheme. * * *

U.S. v. *Bornfield,* 145 F.3d 1123, 1135 (10th Cir. 1998) (criminal forfeiture under 18 U.S.C. sec. 982(a)(1)) (citations omitted) (standard used was unclear). *See also U.S.* v. *Contents of Account,* 847 F. Supp. 329, 335 (S.D.N.Y. 1994) (''The facilitation theory is appropriate in the present case where [the owner] established and controlled the [accounts], and commingled legitimate and illegitimate funds in these accounts, for the purpose of disguising the nature and source of the proceeds of [the] scheme.'') (forfeiture under 18 U.S.C. sec. 981(a)(1)(A)) (standard used was unclear).

Under H.R. 1658's substantial connection test, in order for an entire bank account composed of both tainted and untainted funds to be forfeitable, a primary purpose of its establishment or maintenance must be to disguise a money laundering scheme. This rule should also apply when the government seeks to forfeit an entire business because tainted funds were laundered in a firm bank account. For the business to be forfeitable, a primary purpose for the establishment or maintenance of the entire business must be to disguise a money laundering scheme. *See U.S.* v. *Any and All Assets of Shane Co.,* 816 F. Supp. 389, 401 (M.D.N.C. 1991) (Business that was a front for money laundering was forfeitable.) (forfeiture under 18 U.S.C. sec. 981(a)(1)(A) (substantial connection required).

PROPORTIONALITY (SECTION 2—CREATING 18 U.S.C. SEC. 983(G))

This provision is designed to codify *U.S.* v. *Bajakajian* 524 U.S. 321 (1998).

STATUTE OF LIMITATIONS (SECTION 11)

This provision amends 19 U.S.C. sec. 1621, enlarging the time in which the government may commence a civil forfeiture action by allowing the government to commence an action within five years after the time the alleged offense was discovered, or two years after the time when the involvement of the property in an offense is discovered, whichever is later. 19 U.S.C. sec. 1621 has been construed as requiring the government to exercise reasonable care and diligence in seeking to learn the facts disclosing the alleged wrong. Thus, the courts have held under sec. 1621 that the time begins to run as soon as the government is aware of facts that should trigger an investigation leading to discovery of the offense. *See* Smith, 1 *Prosecution and Defense of Forfeiture Cases* sec. 12.02. This construction will require the government to exercise reasonable diligence in seeking discovery of assets involved in an offense once the offense is discovered.

The provision should not be read as extending the statute of limitations in cases that are already time-barred as of the date of enactment of the bill.

UNIFORM DEFINITION OF PROCEEDS (SECTION 20)

S. 1931's uniform definition of proceeds is self-explanatory. However, it is important to note Congress' disapproval of the ''ink drop'' test for proceeds forfeiture developed by the Eleventh Circuit. In *U.S.* v. *One Single Family Residence,* 933 F.2d 976, 981 (11th Cir. 1991) (proceeds forfeiture under 21 U.S.C. sec. 881(a)(6)), the court ruled that ''[a]s to a wrongdoer, any amount of the invested proceeds traceable to drug activities forfeits the entire property. We have never held that as to a wrongdoer only the funds traceable to illegal activities may be forfeited.'' To the contrary, only that portion of a piece of property purchased with tainted funds is forfeitable.

DESTRUCTION OR REMOVAL OF PROPERTY (SECTION 12)

18 U.S.C. sec. 2232 is amended to expand the scope of conduct which constitutes an offense for damaging or removing property which is subject to a lawful search or seizure. Subsection (a), which makes it a crime to damage or remove property which has not yet been seized, should be interpreted in a commonsense fashion to apply to a person or persons who had knowledge that a law enforcement agency is attempting, has attempted, or was about to attempt to seize the property. Subsection (b), which has been added to this section, makes it an offense to remove or destroy property which is already the subject of the *in rem* jurisdiction of a United States District Court.

EFFECTIVE DATE (SECTION 21)

For purposes of the effective date provision, the date on which a forfeiture proceeding is commenced is the date on which the first administrative notice of forfeiture relating to the seized property is sent. The purpose of this provision is to give the Justice Department and the U.S. courts four months from the date of enactment of the bill to educate their employees as to the bill's changes in forfeiture law.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this legislation has been long in coming. I know on behalf of the gentleman from Michigan (Mr. CONYERS), we want to thank the gentleman from Illinois (Mr. HYDE) because this is legislation that the gentleman from Illinois has worked on extensively and without rest. The gentleman from Illinois has worked in a bipartisan manner. He has those of us who have had disagreements sometimes rally around this legislation because in every single one of our districts we found someone's mother, someone's wife, someone's sister, some innocent person who has been law abiding but because we are part of a great family, have found some family member outside of the law who has brought down the heavy hand of the law on hardworking people who have retained, if you will, or worked hard for the properties that they have.

I want to pay tribute to the gentleman; and I know the gentleman from Michigan would because, as I just heard a few moments ago, this is truly a bipartisan bill. I want to distinguish the fact that this is on the suspension calendar because we have had some vigorous debates here just earlier this morning about the process of suspensions bypassing committee, and I would not want this legislation to be defined accordingly.

This bill has been worked and worked and worked and your staff, George, we thank you, we know you have been on the battle line working hard to make sure that this comes together. I want to acknowledge Perry Apelbaum and Cori Flam likewise and say that we rise in support of this legislation, a bipartisan bill that is a result of extensive negotiations and deliberations with our colleagues in the Senate, Senators HATCH, LEAHY, SESSIONS and SCHUMER as well as the Department of Justice. I might do a slight editorial note and say that out of the bipartisan effort, the bill from the House may not be the exact same and I might have wanted the bill from the House maybe because I am a House Member but we are gratified that we finally resolved it and it has come back for a vote.

Mr. Speaker, the Civil Asset Forfeiture Reform Act makes common sense changes to our civil asset forfeiture laws to make these procedures fair and more equitable. H.R. 1658 strikes the right balance between the needs of law enforcement and the right of individuals to not have their property forfeited without proper safeguards. I recall that we actually had hearings on this, and I recall some of the really horrific stories of individuals losing their only house, their only source of income because of this law.

Would you believe that under current law, the government can confiscate an individual's private property on the mere showing of probable cause? That is under current law. Then even though that person has never been arrested, much less convicted of a crime, the government requires a person to file action in a Federal court to prove that the property is not subject to forfeiture just to get the property back. Well, that is true.

We can imagine that the gentleman from Michigan enthusiastically embraced and worked with the gentleman from Illinois on this legislation. There is no question that forfeiture laws can, as Congress intended, serve legitimate law enforcement purposes. My own police department, a simple and small example, promotes and utilizes or has utilized civil forfeiture laws as relates to drug intervention and drug crimes. But they are currently susceptible to abuse. That is why the bill makes reforms to the current civil forfeiture regimen.

To highlight a few examples, the bill places the burden of proof where it belongs, with the government agency

that performed the seizure, and it protects individuals from the difficult task of proving a negative, in other words, proving that their property was not subject to forfeiture. H.R. 1658 also permits the awarding of attorney's fees if the claimant substantially prevails, creates an innocent owner defense and permits a court to provisionally return property to a claimant on a showing of substantial hardship where, for example, the forfeiture crippled the functioning of a business, prevented an individual from working or left an individual homeless. Is that not justice for Americans? These reforms simply balance the scales so that innocent people have a level playing field on which to challenge improper seizures.

H.R. 1658 also makes certain changes to help law enforcement crack down on criminal activities. For example, the bill permits courts to enter restraining orders to secure the availability of the property subject to civil forfeiture, and it clarifies that the law prohibiting the removal or destruction of property to avoid prosecution applies to seizures as well as forfeitures.

As I see the ranking member on the floor of the House, I know that he will have much to say about this bipartisan effort. But I am hoping that this bill, although it appears on the suspension calendar, will evidence the hard work that we have done collectively on the Committee on the Judiciary on this very issue. I thank both the chairman and the ranking member for their efforts. I am very proud to support this bill today personally and to ask my colleagues to join us in supporting this important legislation.

Mr. Speaker, I am in support of this bill which calls for civil asset forfeiture reform. This is a good bipartisan bill which now shifts the burden of proof to the government to prove by clear and convincing evidence when seizing property and permits the appointment of counsel for indigent claimants while protecting innocent owners.

Unlike criminal forfeiture, civil forfeiture requires no due process before a property owner is required to surrender their property.

Studies suggest that minorities are acutely affected by civil asset forfeitures. As we are well aware by now, racial profiling by the police has alarmingly increased the number of cases of minorities involved in traffic stops, airport searches and drug arrests. These cases afford the government, sometimes justifiably, with the opportunity to seize property. Since 1985, the justice department's asset forfeiture fund increased from $27 million to $338 million.

Since a deprivation of liberty is not implicated in a civil forfeiture, the government is not bound by the constitutional safeguards of criminal prosecution. The government needs only show probable cause that the property is subject to forfeiture. The burden shifts to property owner to prove that the property is not subject to forfeiture.

The property owner may exhaust his or her financial assets in attorney's fees to fight for the return of property. If the financial burden of attorney's fees is not rushing enough, the owner has to post a bond worth 10 percent of the value of the property, before contesting the forfeiture. Independent owners are not entitled to legal counsel.

Interestingly enough, persons charged in criminal cases are entitled to a hearing in court and the assistance of counsel. The government need not charge a property owner with a crime when seizing property under civil laws. The result is that an innocent person, or a person not charged with a crime, has fewer rights than the accused criminal. This anomaly must end.

Reform of civil asset forfeiture laws is long overdue. I urge you to support this bill to ensure that innocent owners are provided some measure of due process before their property is seized.

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

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary for yielding me this time. I would like to commend the gentleman from Illinois for his tremendous work over many years' time on reforming Federal asset forfeiture laws which, as we all know, are an important tool for Federal law enforcement and indirectly for local law enforcement which frequently because of their participation in cases resulting in seized assets participate in the disposition of those seized assets once they are forfeited.

Many of us, including myself as a former United States attorney, while having tremendous regard and respect for our civil asset forfeiture laws and what an important tool they are for law enforcement also recognize they are subject to abuse and have been abused. This legislation on which the gentleman from Illinois has been working for many years and which will be one of the most important hallmarks of his tenure as both chairman of the Committee on the Judiciary and his long and distinguished service as a Member of the House of Representatives will go a long way towards bringing back into balance a system that has become sorely out of balance. I commend the gentleman for his work, and I commend both sides of the aisle for bringing this forward in a bipartisan manner. I urge its adoption.

Mr. Speaker, I also rise today with the chairman of the Committee on the Judiciary to discuss the intent of section 983(a)(2)(C)(ii) which states, ''A claim shall state the claimant's interest in such property and provide customary documentary evidence of such interest if available and state that the claim is not frivolous.''

Mr. Speaker, I interpret this language to require only prima facie evidence to establish such an interest. I assume the gentleman from Illinois concurs with my representation but would like for the record to clarify what type of documentation would be necessary to establish this interest in the seized property, sufficient to make a claim under this legislation.

This documentary evidence should be fairly easy to obtain while still establishing the claimant has a legitimate, nonfrivolous interest in such property. This interest can be established by documents including but not limited to a copy of an automobile title, a loan statement for a home, or a note from a bank for a monetary account. For property such as cash in which no documentary evidence is normally available, this provision would be loosely applied and there would be an assumption of the claimant's interest in such property by simply making a claim and asserting its nonfrivolous nature.

Mr. HYDE. Mr. Speaker, if the gentleman will yield, I thank the gentleman from Georgia for bringing this issue to the attention of the House. The gentleman's explanation is accurate and reflects the intent of the legislation. There was a need for such an explanation and I appreciate the gentleman from Georgia's clarification of this issue.

Mr. BARR of Georgia. I thank the gentleman for engaging in the colloquy.

Mr. HYDE. Mr. Speaker, I yield myself 30 seconds. I want to thank the gentlewoman from Texas for her very cordial remarks. I want to particularly thank the gentleman from Michigan and his staff and make a point. This Committee on the Judiciary in this House of Representatives can work together in a bipartisan fashion to turn out good legislation. This is one example. There are many others. This bill had its genesis in a newspaper article written by Steve Chapman of the Chicago Tribune several years ago. When I read what was going on under civil asset forfeiture, I thought it was more appropriate for the Soviet Union than the United States, and it has taken 7 years but we are there today and it is a great moment.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for yielding me this time. I want to say, a year ago I rose on this floor with my colleagues the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from New York (Mr. WEINER) in opposition to this bill. I come today in support of this particular provision. I rose in opposition a year ago because I was concerned about the effects on criminal justice and specifically the effects on law enforcement, but I have to point out that the chairman and the Committee on the Judiciary, as has been noted, in a bipartisan manner has done a tremendous job to ease those concerns.

They have provided us great improvements on the bill. The compromise provides important procedural protections to law-abiding property owners without compromising law enforcement's ability to shut down criminal enterprises. Specifically the bill shifts the burden of proof in forfeiture cases from

property owners to the government with the appropriate threshold of a preponderance of the evidence.

The compromise also limits the appointment of court-appointed lawyers to indigent claimants whose primary residence is subject to forfeiture. I want to say that there is one concern that I have and I think a couple of my colleagues have as well as it relates to this legislation, and, that is, that we have a continuing reservation that the removal of the cost bond requirement could impair the asset forfeiture program in the future.

We know that the Justice Department is already overwhelmed with challenges to asset seizures, and I am fearful that the removal of the cost bond could further paralyze that effort. But let me say this, I hope to and I know my colleagues who stood with me a year ago hope to work with the chairman and the committee to oversee the implementation of cost bond provisions requiring up-front certification and posthearing penalties and ensure that my fears do not become a reality for law enforcement. But overall, Mr. Speaker, this is a victory for the American people. I want to salute the Committee on the Judiciary and its great chairman. I urge support for this bill.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Michigan (Mr. CONYERS) will control the time previously granted to the gentlewoman from Texas (Ms. JACKSON-LEE).

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

I would like to begin by pointing out that the chairman of this committee and I have worked together on this measure for at least a couple of Congresses. I have been working on it, also, unbeknownst to the gentleman from Illinois in the Committee on Government Reform. I think we have come quite a long way. The bill retains the core of some of the main reforms that was in Hyde-Conyers.

We have adopted the Senate version. But the shifting of the burden of proof is very important. The appointment of counsel is a critical improvement. The return of property in case of substantial hardship is very important. And the innocent owner defense is now strong in the bill. The claim for property damages while in the government's custody is a valid concern. And an award of interest. The bill allows prejudgment interest to be awarded when cash is improperly seized by the government. And we eliminate the cost of bond which would be a part of the current requirement that a claimant challenging a civil asset forfeiture file a cost of bond.

Who would have believed that under our current law, the government can confiscate an individual's private property on a mere showing of probable cause? Then even though a person has never been arrested, not to mention convicted, of a crime, the government requires the person to file an action to prove that the property is not subject to forfeiture to get the property back.

□ 1400

It is important that we have asset forfeiture, but this puts it under controls that have not existed before.

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

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WEINER), a distinguished member of the Committee on the Judiciary.

Mr. WEINER. Mr. Speaker, I rise in support of the Senate amendments to H.R. 1658, and I want to commend the gentleman from Illinois (Chairman HYDE), our chairman, for his year-long effort to reform our asset forfeiture laws. The gentleman quite literally wrote the book on the subject. When the history is written of his prodigious work in this House, this certainly warrants mention.

Last year, a somewhat divided House considered H.R. 1658. While it garnered the support of the majority of our colleagues, it was adamantly opposed by the administration, as well as by every major law enforcement group. Because of this opposition, I offered, along with the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from New York (Mr. SWEENEY), a substitute version of H.R. 1658 on the floor of the House.

The substitute would have made needed reforms by placing the burden of proof on the Government to prove by a preponderance of the evidence that property seized was used in an illegal activity. It would have allowed for counsel to be appointed in those proceedings. It would have protected innocent owners, and it would have allowed property to be returned to claimants in instances of hardship.

It was, I thought, a balanced approach that had the support of all major law enforcement organizations, as well as 155 of my colleagues. That amendment failed, although it had some support, and many of us voted against the base bill for that reason.

Mr. Speaker, today's amendment, today's bill I am pleased to vote in favor of. It puts the burden of proof where it should be, on the Government; and it rightfully protects the owners and spouses and children, if they can show they were not involved in illegal activity.

Perhaps, most importantly, today's bill has the approval of the men and women of law enforcement. Like our substitute, today's bill allows civil asset forfeiture to continue to be used as a tool by police and prosecutors across the country to shut down crack houses and seize drug-running speedboats.

Mr. Speaker, I applaud the authors of this compromise and my colleagues who voted in favor of reform originally.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume, merely to point out in the colloquy between the gentleman from Georgia and the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the committee, that I stand in agreement about the interpretation given by the chairman of section 983A(2)(c)(2), which dealt with the claimant's interests in such property and provide customary documentary evidence of such evidence, if available, and state that the claim is not frivolous.

Mr. Speaker, I just wanted to join in a clarification of the intent that, for example, a person should not be barred from challenging an improper forfeiture if he or she has misplaced a receipt or if the person does not have the evidence on hand. I think that response is consistent with the gentleman from Illinois (Mr. HYDE) and the gentleman from Georgia, and I just wanted to weigh in on that.

This has taken quite awhile, but it is an important measure, and my compliments are out to the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and to all of the Members who have gone through a rethinking process to bring the bill to the kind of support that I believe it is enjoying on the floor this afternoon.

Mr. Speaker, I began looking at this matter from the old Government Operations Committee, and I was very pleased to learn that the gentleman from Illinois had, indeed, studied the matter, had put together his thoughts in a book on the matter, and it led us to bringing forth a bill jointly that now has the imprimatur, I believe, of most of the Members in both bodies.

It is in that spirit that we will want to make sure that it is implemented fairly and that it adds to the good body of law that comes out of the House Committee on the Judiciary.

Mr. Speaker, with those remarks, I reserve the balance of our time.

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

Mr. Speaker, I wish to express my gratitude again to the gentleman from Michigan (Mr. CONYERS) and his staff and everyone who worked on this bill. We did not mention Jon Dudas and Rick Filkins. I just want to say, George Fishman who is sitting here, he was the single most indispensable element of this bill, and I am grateful to him.

Mr. BARR of Georgia. Mr. Speaker, I would like to thank Mr. HYDE for working so rigorously to come to a reasonable agreement with the Senate on civil asset forfeiture reform. The compromise is fair and will restore fairness to this process.

Civil asset forfeiture is a mechanism allowing law enforcement authorities to seize assets such as homes, property, cash, and cars that are used in furtherance of criminal activity. However, in recent years, the laws have been used overly broadly, and have been cited by civil libertarians as excessive and open to abuse.

One of the most important challenges Congress faces is balancing individual liberties against the need for effective law enforcement. Generally, our laws do this fairly well.

However, our civil asset forfeiture laws are tilted too far in one direction. Current civil asset forfeiture laws allow police to seize a person's assets, regardless of whether the person has been, or ever is, convicted of a crime, if police have nothing more than probable cause to believe the property was used for criminal purposes. You are presumed guilty until you can prove yourself innocent.

In effect, our current asset forfeiture system targets both criminals and law-abiding citizens, takes their cars, cash, homes, and property away, and then forces them to prove they are innocent in order to get their assets back. The goal of this reform legislation is to change a system that sometimes violates the rights of the law-abiding, while retaining those provisions that allow law enforcement to target criminals, and hit them where it hurts—in their pocket books.

As I know from my service as a federal prosecutor, the majority of jurisdictions in America use asset forfeiture laws sensibly and fairly. Unfortunately, in some cases, law enforcement officers intentionally target citizens and seize their assets, because they know proving innocence under the constraints of the current law is extremely difficult if not impossible. The burden of proof for the government is minimal, the person may have less than 2 weeks to file a defense, and they have to post a bond even though the government has seized their assets.

H.R. 1658 was introduced to address this matter of allowing law enforcement to use this important tool of asset forfeiture, while still requiring them to be more mindful of due process and individual rights.

This legislation enjoys wide bi-partisan support, and passed the House on June 24, 1999 by a vote of 375–48. Additionally, the 65,000 member Law Enforcement Alliance of America supports it, as do many other line officers and retired police chiefs from across America. It returns balance and fairness to an area of law that has been abused to violate the rights of innocent citizens for too long.

This reform legislation does not deny law enforcement the ability to seize and forfeit assets that truly are used for criminal endeavors. It does, however, more properly balance those powers against civil liberties.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this measure. Passage of this bill is long overdue, and I urge all Members to join me in voting to send it to the President for signing into law.

Since the House passed this bill last year, it has been the subject of intensive negotiations that have involved the administration and law enforcement organizations as well as Members of both the House and Senate. Those negotiations have resulted in the revised version of the bill now before the House. I am sure that it is not everything that some might want, but it is acceptable to all concerned, and I think it deserves approval.

Enactment of this bill will correct serious imbalances in the law regarding civil forfeitures—cases in which the government seizes property allegedly connected to a violation of law. Under current law, seized property won't be returned unless the person whose property was seized can prove either that the property was not connected to the alleged crime or that the owner did not know about or consent to the allegedly illegal use of the property.

This bill shifts the burden of proof to the government, where it belongs, so that it would be up to the government to show by preponderance of the evidence that an asset was sufficiently connected to a crime to be subject to civil forfeiture. While this is a somewhat less stringent requirement than in the bill as originally passed by the House, it is a great improvement over the current law.

The bill also makes a number of other important improvements over the current law. It will require that seizures be made pursuant to a warrant. It will eliminate the need for people to post a bond in order to contest a civil-forfeiture case. It will create a uniform ''innocent owner'' defense for all civil-forfeiture cases. It will allow property to be released from government custody before final disposition of a case where continued custody would be a hardship to the owner outweighing any risk to the government. And it will allow people to seek to recover from the government if seized property is damaged while in custody.

I congratulate all those whose hard work has made it possible for the bill to be on the floor today, and I urge its approval.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1658.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The motion to reconsider is laid on the table.

SENSE OF CONGRESS THAT MIAMI, FLORIDA, SHOULD SERVE AS PERMANENT LOCATION FOR SECRETARIAT OF FTAA

Mr. CRANE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 71) expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005.

The Clerk read as follows:

S. CON. RES. 71

Whereas deliberations on establishing a ''Free Trade Area of the Americas'' (FTAA) will help facilitate greater cooperation and understanding on trade barrier reduction throughout the Americas;

Whereas the trade ministers of 34 countries of the Western Hemisphere agreed in 1998 to create a permanent Secretariat in order to support negotiations on establishing the FTAA;

Whereas the FTAA Secretariat will employ persons to provide logistical, administrative, archival, translation, publication, and distribution support for the negotiations;

Whereas the FTAA Secretariat will be funded by a combination of local resources and institutional resources from a tripartite committee consisting of the Inter-American Development Bank (IDB), the Organization of American States (OAS), and the United Nations Economic Commission on Latin America and the Caribbean (ECLAC);

Whereas the temporary site of the FTAA Secretariat will be located in Miami, Florida, from 1999 until February 28, 2001, at which point the Secretariat will rotate to Panama City, Panama, until February 28, 2003, and then rotate to Mexico City, Mexico, until February 28, 2005;

Whereas by 2005 the FTAA Secretariat will have international institution status providing jobs and tremendous economic benefits to its host city;

Whereas a permanent site for the FTAA Secretariat after 2005 will likely be selected from among the 3 temporary host cities;

Whereas the city of Miami, Miami-Dade County, and the State of Florida have long served as the gateway for trade with the Caribbean and Latin America;

Whereas trade between the city of Miami, Florida, and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1998;

Whereas the Miami-Dade area and the State of Florida possess the necessary infrastructure, local resources, and culture necessary for the FTAA Secretariat's permanent site;

Whereas the United States possesses the world's largest economy and is the leading proponent of trade liberalization throughout the world; and

Whereas the city of Miami, Florida, the State of Florida, and the United States are uniquely situated among other competing locations to host the ''Brussels of the Western Hemisphere'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should direct the United States representative to the ''Free Trade Area of the Americas'' (FTAA) negotiations to use all available means in order to secure Miami, Florida, as the permanent site of the FTAA Secretariat after February 28, 2005.

The SPEAKER pro tempore (Mr. OSE). Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on S. Con. Res. 71.

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

There was no objection.

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

Mr. Speaker, S. Con. Res. 71 is a noncontroversial resolution which would express the sense of the Congress that the USTR should use all available means to make Miami, Florida, the permanent site of the Secretariat for the Free Trade Area of the Americas, FTAA, after the year 2005. The resolution passed the Senate by unanimous consent last November.

The FTAA facilitates open cooperation and the reduction of trade barriers throughout the Americas. Right now the Secretariat is rotating among various cities until 2005. The permanent home is important because the host country gains international institution status and economic benefits. This legislation would send an important signal to the administration and to our

trading partners in the Western Hemisphere that Congress wants the United States to continue its leadership role in trade negotiations.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. SHAW) and ask unanimous consent that he be permitted to yield blocks of time.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of S. Con. Res. 71, expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location of the Secretariat of the Free Trade Area of the Americas beginning in 2005.

In 1994, Miami was host to 34 heads of state and governments who gathered for the historic Summit of the Americas. From this meeting came the idea to create a Free Trade Area of the Americas by the year 2005.

The temporary site of the FTAA Secretariat has been in Miami and will remain there until February 28, 2001, when it will move to Panama City, Panama, and stay there until February 28, 2003. It will then move to Mexico City, Mexico, until February 28, 2005. A permanent site for the FTAA Secretariat will then likely be chosen from the then temporary host cities.

The FTAA Secretariat is potentially the single most important job creation vehicle for Florida in this generation. The city that secures the Secretariat will become the business and trade capital of the Americas.

As a resident of Miami, some may ask, why choose Miami? Trade between Latin America and the Caribbean with Miami totalled $36.8 billion in 1998 as reported by the Beacon Council and the Bureau of the Census. In 1998, $69 billion in international trade passed through Florida. Fifteen of the FTAA countries were among the top 25 trading partners with the Port of Miami. Exports and imports through Miami customs district, mainly with Latin America, reached over $47 billion in 1997. The Miami Free Zone is a valuable asset for international trade.

Mr. Speaker, Miami is home to the tenth largest airport in the world, providing the most flights out of the United States into Latin America and the Caribbean. Miami International Airport is the leading airport for international air cargo. Miami International Airport provides air service that links 200 cities on five continents.

The Port of Miami served 3.2 million passengers in 1997, reaffirming the Port of Miami as the cruise capital of the world. In July 1999, the Port of Miami signed a sister seaport agreement with Buenos Aires. Miami offers a vast highway system and a convenient metrorail system as an alternative to driving.

Miami, Mr. Speaker, is a culturally diverse area. More than 2 million people reside in Miami, bringing a rich cultural diversity to the area. Fifty-four percent of the population of Dade County is Latin. The City of Miami is home to one of the largest number of bi-national chambers of commerce in the country.

As for the quality of security that the FTAA will need, the Miami-Dade Police Department is the largest police force in the southeastern United States, employing over 2,951 officers. They are recognized as one of the leading law enforcement agencies in the Nation. The State of Florida has five Air Force bases, 10 Naval bases, and two Coast Guard stations.

Miami is strategically located between all the FTAA countries, providing a gateway for commerce, cultural exchange, and communication. Securing a permanent Secretariat in Miami is essential because it will expand our businesses' unique access to the international trade process and exposure to the potentially expanding locations of the OAS, IBD, World Bank, and international finance institutions.

There is no doubt that the President should direct the United States Representative to the Free Trade Area of the Americas negotiations to use all available means to secure Miami, and not a competing foreign city, as the permanent site of the FTAA Secretariat after February 28, 2005.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. LEVIN) for this opportunity to represent Miami for the Free Trade Area Secretariat.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), a distinguished member of the Committee on Ways and Means.

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

Mr. Speaker, first I want to applaud both the comments of the gentlewoman from Miami, Florida (Mrs. MEEK), as well as the leadership of the gentleman from Florida (Mr. SHAW), who represents Dade, Broward and Palm Beach Counties, who has been working very closely with our Florida Secretary of State in establishing what we hope will be an economic opportunity, an outstanding viable trade mission, something that will not only produce and provide jobs for Floridians and people who live in the United States, but will also serve as a welcome station for countries around the hemisphere.

□ 1415

Clearly New York is blessed to have the United Nations, where people from all over the world assemble to debate and discuss the merits of international treaties, trade, and other important things that they consider.

We now have a chance, through this legislation, this resolution, to establish the permanent Secretariat in Miami. The United States has been negotiating with other countries in the Americas to establish free trade area of the Americas. As part of that, we agreed 2 years ago to create a permanent Secretariat to help further the FTAA.

Miami, as was described by the gentlewoman from Florida (Mrs. MEEK), is now the temporary home of the Secretariat. This bill would make permanent Miami as its home, and we believe strongly as members of the South Florida delegation that it ought to be here in Miami, in Florida.

The State of Florida is now already the gateway to trade between North and South America, with much of this trade going through the Port of Miami. It is an international bilingual city that has long had roots in the Latin American culture, making it all the more equipped to be the center of trade of the Americas. Well over 700,000 Cuban Americans call Dade County home, and there are a multitude of other nationalities that equally call Miami their home now, Nicaraguans, Guatemalans, Haitians, all types of nationalities, which makes it even more fitting, and it makes it more equipped to be the center for trade for the Americas.

We have a marvelous opportunity now to make a United States city the focal point for trade within the Americas, and Miami is clearly the best candidate.

Again, I urge my colleagues to vote for this bill, and again, I want to personally commend the gentleman from Florida (Mr. SHAW), who is looking to bring what I believe will be one of the most vital opportunities to his Dade County in both the creation of jobs, in recognizing that the United States is for trade, it is for open trade, and will make a hospitable location for future deliberations.

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

Mr. Speaker, as indicated, this is a bill that passed the Senate. It was unanimous. It was noncontroversial. This is a bill mainly about facilities, about headquarters for the further negotiations of an FTAA. I want to support it in that vein.

I also want to say, if I might, just a brief word about the content, about the subject matter. There is a reference in the concurrent resolution to greater cooperation and understanding on trade barrier reduction throughout the Americas. I am pleased that, as the ministers have been meeting, that their perspective on trade issues has widened and is more vast than relating only to trade barrier reduction, as important as that may be.

I am pleased that in recent weeks, as I understand it, that the trade ministers have placed on the agenda for discussion at the next meeting of trade ministers in Buenos Aires, Argentina, the issue of core labor standards and their role in the trade equation. I believe very much that that has to be considered, and in the end part of the negotiations relating to an FTAA.

It seems to me that in view of the discussions to date, that there is an understanding among the trade ministers that there needs to be a diligent effort to look at all of the critical aspects of trade in these further negotiations.

As I said, this bill, however, is not basically about the content of the negotiations, it is about where the Secretariat should be located. The Florida delegation very understandably would like to see that placed in Miami. I think there is an advantage not only to Florida, but to the rest of the Nation.

I support this in the vein with the comments that I have made regarding the subject matter of future negotiations regarding an FTAA. At some point there will have to be consideration by this body as to the procedures which will guide the eventual negotiations.

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

Mr. SHAW. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), a distinguished member of the Florida delegation and chairman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of making Miami, Florida, the permanent location for the Secretariat of the Free Trade Area of the Americas, FTAA. I am a proud cosponsor of this legislation, which is being led by our colleague, the gentleman from Florida (Mr. SHAW). His resolution expresses the sense of Congress that Miami, and not a foreign city, should serve as the permanent location for the FTAA.

Mr. Speaker, Miami, Florida, is currently the temporary location for the FTAA, which is comprised of 34 free nations with a combined gross domestic product of $14 trillion. The only city in the United States being considered as the permanent location of the FTAA is Miami, but it is competing with Panama and Mexico City.

I and my colleagues from Florida believe that Florida is indeed the best choice for the FTAA. Its strategic location, which many have hailed as the gateway to the Americas, makes Miami a natural choice for the FTAA. It enables our city to become the cultural, the diplomatic, and the commercial center of the Americas.

Additionally, Miami is already considered by many as the business and trade capital of the Americas. Due to its geographic location, Miami is already positioned to house the permanent Secretariat. The city has the highest number of flights to and from Latin America and the Caribbean, and the Port of Miami serves over 100 ports in this area as well, and a very large number of international companies have already made South Florida their regional headquarters for Latin America, including Federal Express, UPS, DHL, to name just a few. They also have international service centers based in Miami.

Winning the Secretariat means increased and strengthened technological investment, not just for us in Miami but for the entire state of Florida, and indeed, our Nation. The State's ten largest trading partners are located in Latin America and the Caribbean. Therefore, having the permanent Secretariat located in Florida would tremendously increase the State's hemispheric trade.

An important issue that we must also consider in this matter is the opportunity for Florida to become the e-business center for trade and e-business start-up companies, and this is a wonderful opportunity to begin warmer relations with our neighbors to the south.

The current revolution in e-commerce and the boom in e-business start-up companies requires us to seriously consider the consequences of not being a dominant player in the telecommunications industry. We cannot overlook the potential for hundreds and thousands of jobs that would be generated by a strong communications infrastructure arising from having the Secretariat in our Nation.

A great number of high-tech firms have already made Miami their home, and we would capitalize on this fact. The creation of jobs is vitally important to our area, and the Secretariat would provide an environment that encourages more companies to establish their operations, thereby increasing employment opportunities throughout the United States.

Having Florida as the Secretariat's permanent home benefits us as a whole. It would improve trade and commerce between the United States and the Americas, thereby enabling us to retain our current dominant position as a trade partner. It would also allow us the opportunity to surpass European exporters, who are moving forward to redouble their businesses with Latin America.

The issue of having Miami as the home of the permanent Secretariat of the FTAA enjoys strong support throughout the State. The Secretary of the State of Florida has expressed her strong support for this, particularly as it pertains to accelerating e-business and trade in the Americas. The Governor of Florida, Jeb Bush, is also committed to positioning the Internet in Florida for economic growth. The FTAA would help push these goals forward.

Mr. Speaker, I am very proud to support the legislation of the gentleman from Florida (Mr. SHAW) making the permanent home of the Secretariat of the FTAA to be Miami. It is a win-win situation, and I urge support of this important issue that is important for all of us in the State of Florida and, indeed, throughout the Nation.

I congratulate the leadership of the gentleman from Florida (Mr. SHAW) on this and many other issues.

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

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

Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 71, which is a bipartisan concurrent resolution expressing the sense of the Congress that Miami and not a competing foreign city should serve as a permanent location for the Free Trade Area of the Americas Secretariat, FTAA, beginning in the year 2005.

I introduced the companion House concurrent resolution, House Concurrent Resolution 217, to the legislation before us today. I am pleased that nearly every member of the Florida delegation is a cosponsor of this bill.

Mr. Speaker, in 1998 the trade ministers of 34 Western Hemisphere countries agreed to create a permanent Secretariat in order to support negotiations on establishing the free trade area of the Americas. The temporary site of the FTAA Secretariat is now located in Miami. Starting next year, the FTAA Secretariat will rotate to Panama City and then rotate to Mexico City until the year 2005.

The purpose of this legislation is to put the Congress on record as supporting Miami for the permanent location of the FTAA talks. This legislation is particularly good news for South Florida. If the FTAA permanently locates in Miami, thousands of jobs will be created to support this institution. Miami will join the ranks of Washington, D.C. and New York as the only American cities to host a large international organization.

If Miami is ultimately chosen, some day Miami may be as closely associated as being the center of world trade as now it is known for its famous beaches and sunshine and climate.

Locating the FTAA talks in Miami also will make sense on a practical level. The city of Miami and Miami-Dade County and the State of Florida have long served as the gateway for trade with the Caribbean Nations and Latin America. Moreover, Miami-Dade County possesses the necessary infrastructure, local resources, and the cultural diversity that is necessary for the FTAA Secretariat's permanent site. Miami also is a multicultural, bilingual city that is de facto financial capital of Latin America today.

In sum, Miami is the logical and most attractive location to permanently hold the FTAA talks. In a broader sense, the home of the FTAA should be an American city. Since the end of World War II, the United States has been the leading proponent of trade liberalization throughout the world. Today our leadership on free trade is under close scrutiny, with many of our allies openly questioning our continuing commitment to expanding world trade.

Let us send a strong signal today that America will continue its leadership position on this issue, especially

to our neighbors in this hemisphere, by having a unanimous vote to locate the FTAA Secretariat in Miami.

Mr. Speaker, I thank the gentleman from Illinois (Chairman CRANE) and the gentleman from Texas (Chairman ARCHER) and all of my Florida colleagues for bringing this important bill to the floor today.

I especially thank Florida Secretary of State Katherine Harris, whose tireless work on this legislation was a major reason for its consideration today. I am confident that under Secretary Harris's leadership, Miami will one day be known as the Brussels of the West.

Mr. Speaker, I ask for a yea vote on this bill. It is important to Dade County and Miami, it is important to the State of Florida, and as my good friend, the gentleman from Michigan (Mr. LEVIN) pointed out, it is good for America.

Mr. MILLER of Florida. Mr. Speaker, I rise in support of this bi-partisan resolution directing the President and the United States Trade Representative to pursue all available means to insure that the permanent home of the Free Trade Area of the Americas' (FTAA) Secretariat is located in the city of Miami, Florida. Miami already boasts a strong economic and cultural connection to our country's southern neighbors and trading partners, and is now positioned to become the ''Brussels of the Western Hemisphere'' by hosting the permanent home of the FTAA.

For those who may be unaware, the Free Trade Area of the Americas (FTAA) is the product of agreements among the United States and the nations of the Western Hemisphere to establish a means for cooperation to promote trade and further reduce barriers to trade within this hemisphere. As part of that goal, the trade ministers of 34 countries agreed to establish an organization, the FTAA Secretariat, to aid the process of trade liberalization. By 2005 the FTAA Secretariat will have international institution status providing jobs and tremendous economic benefits to its host city akin to the European regional economic and governmental organizations in Brussels. The agreement establishing the FTAA Secretariat calls for its location to rotate on a temporary basis between three cities: Panama City, Panama; Mexico City, Mexico; and Miami, Florida. A choice on the permanent site of the Secretariat has not yet been made from among these three competing cities, but will be soon.

The FTAA Secretariat will be funded by a combination of local resources and institutional resources from a tripartite committee consisting of the Organization of American States (OAS), the Inter-American Development Bank (IDB), and the United Nations Economic Commission on Latin America and the Caribbean (ECLAC).

Mr. Speaker, I would advise my colleagues that it does not matter what your position on free trade or on some of our Latin American trading partners may be, this resolution deserves the support of every Member of Congress. This is a noncontroversial and patriotic resolution which simply affirms that we, as a Congress, desire that the FTAA Secretariat should be permanently located in the United States rather than either Panama or Mexico. Miami is the only United States city in contention to become the permanent home of the FTAA Secretariat, and the city of Miami and the State of Florida deserve the support of Congress in this effort.

The city of Miami and the State of Florida have long served as the gateway for trade with the Caribbean and Latin America. Trade between the city of Miami, Florida and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1998. Furthermore, Miami is better equipped with the necessary infrastructure to support the Secretariat, including the area of information technology. Miami is best positioned of the three locations to further accelerate the already rapid expansion of the Internet and E-commerce into Latin America through the FTAA, and become not only the ''Brussels of the Western Hemisphere'' but the Latin American gateway to Silicon Valley as well.

I would be remiss if I did not thank Florida Secretary of State Katherine Harris, who is from my own Congressional District, and my colleague Congressman CLAY SHAW for all their hard work to bring this bill to the floor and to bring the FTAA to Miami.

Mr. Speaker, the United States has always been the leader in expanded trade and in this hemisphere, and Congress can help ensure that we do not abdicate that role by doing our part to locate the FTAA Secretariat here in this country, in Miami, Florida. I strongly urge my colleagues to vote in favor of this important resolution.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 71.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

TAXPAYER BILL OF RIGHTS 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4163) to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers, as amended.

The Clerk read as follows:

H.R. 4163

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Bill of Rights 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—PENALTIES AND INTEREST

Sec. 101. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 102. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 103. Reductions of penalty for failure to pay tax.
Sec. 104. Abatement of interest.
Sec. 105. Deposits made to stop the running of interest on potential underpayments.
Sec. 106. Expansion of interest netting for individuals.

TITLE II—CONFIDENTIALITY AND DISCLOSURE

Sec. 201. Disclosure and privacy rules relating to returns and return information.
Sec. 202. Expansion of type of advice available for public inspection.
Sec. 203. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 204. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 205. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 206. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 207. Compliance by State contractors with confidentiality safeguards.
Sec. 208. Higher standards for requests for and consents to disclosure.
Sec. 209. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 210. Disclosure of taxpayer identity for tax refund purposes.

TITLE III—OTHER REQUIREMENTS

Sec. 301. Clarification of definition of church tax inquiry.
Sec. 302. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 303. Employee misconduct report to include summary of complaints by category.
Sec. 304. Increase in threshold for Joint Committee reports on refunds and credits.
Sec. 305. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 306. Annual report on abatement of penalties.
Sec. 307. Better means of communicating with taxpayers.
Sec. 308. Explanation of statute of limitations and consequences of failure to file.

TITLE I—PENALTIES AND INTEREST

SEC. 101. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE.—The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).

(b) PENALTY CONVERTED TO INTEREST CHARGE.—The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

''SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

''(a) IN GENERAL.—Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for

any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.

''(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE.—For purposes of subsection (a)—

''(1) AMOUNT.—The amount of the underpayment on any day shall be the excess of—

''(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over

''(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.

''(2) DETERMINATION OF INTEREST RATE.—

''(A) IN GENERAL.—The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.

''(B) INSTALLMENT UNDERPAYMENT PERIOD.—For purposes of subparagraph (A), the term 'installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

''(C) DAILY RATE.—The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

''(3) TERMINATION OF ESTIMATED TAX INTEREST.—No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.''.

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL.—

(1) IN GENERAL.—Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

''(i) the lesser of—

''(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

''(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $2,000, or''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking ''addition to tax'' each place it occurs and inserting ''interest''.

(2) Section 167(g)(5)(D) is amended by striking ''6654'' and inserting ''6641''.

(3) Section 460(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(4) Section 3510(b) is amended—

(A) by striking ''section 6654'' in paragraph (1) and inserting ''section 6641'',

(B) by amending paragraph (2)(B) to read as follows:

''(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $2,000 amount specified in section 6641(d)(1)(B)(i)(II).'',

(C) by striking ''section 6654(d)(2)'' in paragraph (3) and inserting ''section 6641(d)(2)'', and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(6) Section 6601(h) is amended by striking ''6654'' and inserting ''6641''.

(7) Section 6621(b)(2)(B) is amended by striking ''addition to tax under section 6654'' and inserting ''interest required to be paid under section 6641''.

(8) Section 6622(b) is amended—

(A) by striking ''PENALTY FOR'' in the heading, and

(B) by striking ''addition to tax under section 6654 or 6655'' and inserting ''interest required to be paid under section 6641 or addition to tax under section 6655''.

(9) Section 6658(a) is amended—

(A) by striking ''6654, or 6655'' and inserting ''or 6655, and no interest shall be required to be paid under section 6641,'', and

(B) by inserting ''or paying interest'' after ''the tax'' in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended—

(A) in the matter preceding paragraph (1) by striking '', 6654,'', and

(B) in paragraph (2) by striking ''6654 or''.

(11) Section 7203 is amended by striking ''section 6654 or 6655'' and inserting ''section 6655 or interest required to be paid under section 6641''.

(e) CLERICAL AMENDMENTS.—

(1) Chapter 67 is amended by inserting after subchapter D the following:

''Subchapter E—Interest on Failure by Individual to Pay Estimated Income Tax

''Sec. 6641. Interest on failure by individual to pay estimated income tax.''.

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

''Subchapter D. Notice requirements.

''Subchapter E. Interest on failure by individual to pay estimated income tax.''.

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2000.

SEC. 102. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 139A and by inserting after section 138 the following new section:

''SEC. 139. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

''(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

''(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

''Sec. 139. Exclusion from gross income for interest on overpayments of income tax by individuals.

''Sec. 139A. Cross references to other Acts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 103. REDUCTIONS OF PENALTY FOR FAILURE TO PAY TAX.

(a) REDUCTIONS OF PENALTY FOR FAILURE TO PAY TAX.—

(1) REDUCTION OF PENALTY BY 50 PERCENT.—

(A) IN GENERAL.—Paragraphs (2) and (3) of section 6651(a) are each amended by striking ''0.5'' each place it appears and inserting ''0.25''.

(B) CONFORMING AMENDMENT.—Paragraph (1) of section 6651(d) is amended by striking ''by substituting '1 percent' for '0.5 percent' '' and inserting ''by substituting '0.5 percent' for '0.25 percent' ''.

(2) REDUCTION OF PENALTY TO ZERO DURING PERIOD OF INSTALLMENT AGREEMENT.—Subsection (h) of section 6651 is amended by striking ''by substituting '0.25' for '0.5' '' and inserting ''by substituting 'zero' for '0.25' ''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply for purposes of determining additions to tax for months beginning after December 31, 2000.

(b) PROHIBITION OF FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—

(1) IN GENERAL.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION OF FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—The Secretary may not charge a taxpayer a fee for entering into an agreement with the Secretary under this section only for so long as payments under such agreement are made by means of electronic transfer or by similar automated means.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to installment agreements entered into more than 30 days after the date of the enactment of this Act.

SEC. 104. ABATEMENT OF INTEREST.

(a) ABATEMENT OF INTEREST IF GROSS INJUSTICE WOULD OTHERWISE RESULT.—Section 6404 is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) ABATEMENT OF INTEREST IF GROSS INJUSTICE WOULD OTHERWISE RESULT.—The Secretary may abate the assessment of all or any part of interest on any amount of tax imposed by this title for any period if the Secretary determines that—

''(1) a gross injustice would otherwise result if interest were to be charged, and

''(2) no significant aspect of the events giving rise to the accrual of the interest can be attributed to the taxpayer involved.''.

(b) ABATEMENT OF INTEREST FOR PERIODS ATTRIBUTABLE TO ANY UNREASONABLE IRS ERROR OR DELAY.—Subparagraphs (A) and (B) of section 6404(e)(1) are each amended by striking ''in performing a ministerial or managerial act''.

(c) ABATEMENT OF INTEREST WITH RESPECT TO ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE OF REFUND.—Paragraph (2) of section 6404(e) is amended by striking ''unless—'' and all that follows and inserting ''unless the taxpayer (or a related party) has in any way caused such erroneous refund.''

(d) ABATEMENT OF INTEREST TO EXTENT INTEREST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON WRITTEN STATEMENTS OF THE IRS.—Subsection (f) of section 6404 is amended—

(1) in the subsection heading, by striking ''PENALTY OR ADDITION'' and inserting ''INTEREST, PENALTY, OR ADDITION'', and

(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking ''penalty or addition'' and inserting ''interest, penalty, or addition''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 105. DEPOSITS MADE TO STOP THE RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter B of chapter 67 (relating to interest on overpayments) is amended by redesignating section 6612 as section 6613 and by inserting after section 6611 the following new section:

"SEC. 6612. DEPOSITS MADE TO STOP THE RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—Any taxpayer may make a cash bond deposit with the Secretary to offset any potential underpayment of tax imposed by this title for any taxable period. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) DEPOSITS USED TO PAY UNDERPAYMENT ALSO OFFSET RUNNING OF INTEREST ON UNDERPAYMENT.—Any cash bond deposit used to pay tax under this title shall offset interest under subchapter A during the period of such deposit on such tax under such procedures as the Secretary shall prescribe.

''(c) TAXPAYER MAY REQUEST RETURN OF CASH BOND DEPOSIT.—

''(1) IN GENERAL.—On written request of a taxpayer who made a cash bond deposit, the Secretary shall return to the taxpayer any amount of such deposit specified by the taxpayer.

''(2) NO INTEREST.—In the case of a deposit which is so returned—

''(A) the amount returned shall not offset interest under subchapter A for any period, and

''(B) except as provided in subsection (d), no interest shall be allowed on such amount.

''(3) EXCEPTIONS.—Paragraph (1) shall not apply to any amount if—

''(A) such amount has been treated by the Secretary as a payment of tax after a final determination of the disputed items to which such amount relates,

''(B) such amount has been designated by the taxpayer as being a payment of tax,

''(C) the Secretary determines that assessment or collection of tax is in jeopardy, or

''(D) the amount is applied in accordance with section 6402.

Subparagraph (D) shall not apply to a payment to a taxpayer if the taxpayer is entitled to be paid interest under subsection (d) on such payment.

''(d) INTEREST ON AMOUNTS RETURNED IN CERTAIN CIRCUMSTANCES.—

''(1) IN GENERAL.—Interest shall be allowed and paid on the amount of any cash bond deposit for a taxable period which is returned to the taxpayer only if the deposit is attributable to a dispute reserve account for such period.

''(2) ATTRIBUTION TO DISPUTE RESERVE ACCOUNT.—For purposes of paragraph (1), an amount is attributable to a dispute reserve account for any taxable period only to the extent that the aggregate of the cash bond deposits for such period (reduced by the amount of such deposits which has been previously returned to the taxpayer or treated as a payment of tax) does not exceed the deposit limit for such period.

''(3) DEPOSIT LIMIT.—For purposes of paragraph (2)—

''(A) IN GENERAL.—The deposit limit for any taxable period is the amount specified by the taxpayer at the time of the deposit as the taxpayer's reasonable estimate of the potential underpayment for such period with respect to disputable items identified (at such time) by the taxpayer with respect to such deposit.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who is issued a 30-day letter for any taxable period, the deposit limit for such period shall not be less than the amount of the proposed deficiency specified in such letter.

''(4) DEFINITIONS.—For purposes of paragraph (3)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(5) RATE AND PERIOD OF INTEREST.—

''(A) RATE.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(B) PERIOD.—Interest under this subsection on any payment to a taxpayer shall be payable from the date of the deposit to which such payment is attributable to a date (to be determined by the Secretary) preceding the date of the check making such payment by not more than 30 days. For purposes of the preceding sentence, cash bond deposits for any taxable period shall be treated as used and returned on a last-in first-out basis.

''(e) CASH BOND DEPOSIT.—For purposes of this section—

''(1) IN GENERAL.—The term 'cash bond deposit' means any payment which is designated by the taxpayer as being a cash bond deposit for a specified taxable period.

''(2) AMOUNTS DESIGNATED OR USED AS PAYMENT OF TAX.—A cash bond deposit shall cease to be treated as such for purposes of this section beginning on the date that the taxpayer designates such deposit as a payment of tax for purposes of this title, or, if earlier, on the date such deposit is so used.

''(f) CHANGE IN PERIOD FOR WHICH DEPOSIT MADE.—Subject to the requirements of subsection (d), a taxpayer may change the taxable period to which a cash bond deposit relates.''

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 67 is amended by striking the last item and inserting the following new items:

''Sec. 6612. Deposits made to stop the running of interest on potential underpayments, etc.

''Sec. 6613. Cross references.''

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to interest for periods after the date of the enactment of this Act.

(2) SPECIFICATION OF DISPUTED ITEMS.—In the case of amounts held by the Secretary of the Treasury on the date of the enactment of this Act as a deposit in the nature of a cash bond pursuant to Revenue Procedure 84–58, the date that the taxpayer makes the identification under subsection (d)(3)(A) of section 6612 of the Internal Revenue Code of 1986, as added by this section, shall be treated as the date such amounts were deposited for purposes of such section 6612.

SEC. 106. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) IN GENERAL.—Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: ''Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accrued after December 31, 2000.

TITLE II—CONFIDENTIALITY AND DISCLOSURE

SEC. 201. DISCLOSURE AND PRIVACY RULES RELATING TO RETURNS AND RETURN INFORMATION.

(a) IN GENERAL.—Subsection (a) of section 6103 (relating to general rule for confidentiality and disclosure of returns and return information) is amended by striking ''title—'' and inserting ''title and notwithstanding any other provision of law—''.

(b) PROCEDURAL AND JURISDICTIONAL RULES.—Subsection (p) of section 6103 (relating to procedure and recordkeeping) is amended by adding at the end the following new paragraph:

''(9) PROCEDURAL RULES APPLICABLE TO CERTAIN DISCLOSURES.—

''(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of providing for disclosures of return and return information under subsections (c), (e), and (k) (1) and (2). Such regulations shall include a schedule of fees, and waivers and reductions of such fees, applicable to the processing of requests for such disclosures.

''(B) DETERMINATIONS OF WHETHER TO COMPLY WITH DISCLOSURE REQUESTS.—

''(i) INITIAL REQUESTS.—In response to a request that reasonably describes the return or return information sought and is made in accordance with the published rules, the Secretary shall—

''(I) determine within 20 days after the receipt of any request for disclosure of return or return information under subsections (c), (e), and (k) (1) and (2) whether to comply with such request, and

''(II) immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the Commissioner any adverse determination.

''(ii) APPEAL.—The Commissioner shall—

''(I) make a determination with respect to any appeal of any adverse determination under clause (i)(I) within 20 days after the receipt of such appeal, and

''(II) if on appeal the denial of the request for disclosure of such return or return information is in whole or in part upheld, the Commissioner shall notify the person making such request of the provisions for judicial review of that determination under subparagraph (D).

''(iii) EXTENSION OF PERIODS FOR UNUSUAL CIRCUMSTANCES.—

''(I) IN GENERAL.—The time limits prescribed in clause (i) and clause (ii) (as the case may be) may be extended for not more than 10 days in unusual circumstances by providing to the person making such request for disclosure written notice which sets forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 working days, except as provided in subclause (II).

''(II) MODIFICATION OF REQUEST OR TIME PERIOD.—If, with respect to a request for which the time limits are extended under subclause (I), the Secretary determines that the request cannot be processed within the time limit so specified, the Secretary shall notify the person making the request and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).

''(iv) UNUSUAL CIRCUMSTANCES DEFINED.—For purposes of clause (iii), the term 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular requests—

''(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request,

''(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request, or

''(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

''(v) 20-DAY PERIOD EXCLUDES CERTAIN DAYS.—The 20-day periods referred to in clauses (i) and (ii) shall not include Saturdays, Sundays, and legal public holidays.

''(C) FAILURE TO MEET TIME LIMITS.—

''(i) IN GENERAL.—Any person making a request for the disclosure of return or return information which is subject to this paragraph shall be deemed to have exhausted his administrative remedies with respect to such request if the Secretary fails to comply with the applicable time limit provisions of this paragraph. If the Secretary can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by the Secretary to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

''(ii) EXCEPTIONAL CIRCUMSTANCES DEFINED.—For purposes of clause (i), the term 'exceptional circumstances' does not include a delay that results from a predictable workload of the Secretary relating to requests subject to this paragraph, unless the Secretary demonstrates reasonable progress in reducing its backlog of pending requests.

''(iii) REFUSAL TO MODIFY REQUEST OR TIME FRAME.—Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a request (or a modified request) under subparagraph (B)(ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.

''(D) JUDICIAL PROCEEDINGS.—

''(i) JURISDICTION OF THE DISTRICT COURTS.—

''(I) IN GENERAL.—On complaint, the district courts of the United States in the district in which the complainant resides, or has his principal place of business, or in which his return or return information is situated, or in the District of Columbia, shall have jurisdiction to enjoin the Secretary from withholding return or return information which is subject to disclosure under subsection (c), (e), or (k) (1) or (2), and to order the production of any return or return information improperly withheld from the complainant.

''(II) EXPEDITED PROCESSING.—No district court of the United States shall have jurisdiction to review a denial by the Secretary of expedited processing of a request for return or return information after the Secretary has provided a complete response to the request.

''(ii) PROCEDURAL MATTERS.—In a case arising under clause (i), the court shall determine the matter de novo (on the record before the Secretary at the time of the determination in the case of a request for expedited processing), and may examine the contents of such return or return information in camera to determine whether such return or return information or any part thereof shall be withheld under any of the provisions of this title, and the burden shall be on the Secretary to sustain its action. In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of the Secretary concerning the Secretary's determination as to technical feasibility relating to, and reproducibility of, such return and return information.

''(E) DEADLINE FOR SECRETARY TO ANSWER COMPLAINT.—Notwithstanding any other provision of law, the Secretary shall serve an answer or otherwise plead to any complaint made under this paragraph within 30 days after service upon the Secretary of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.''.

(c) ATTORNEY FEES.—Subsection (a) of section 7430 (relating to general rule for awarding of costs and certain fees) is amended by inserting after ''title,'' the following: ''and in any court proceeding in connection with the disclosure of return and return information under section 6103(p)(9),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 202. EXPANSION OF TYPE OF ADVICE AVAILABLE FOR PUBLIC INSPECTION.

(a) IN GENERAL.—Subparagraph (A) of section 6110(i)(1) is amended—

(1) by striking ''national office component of the Office of Chief Counsel'' and inserting ''component of the Office of Chief Counsel or of the Service'', and

(2) in clause (i) by striking ''field or service center employees of the Service or regional or district'' and inserting ''employees of the Service or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6110(i)(2) is amended by inserting ''or the Service'' after ''Office of Chief Counsel''.

(2) The following provisions of section 6110 are amended by striking ''Chief Counsel advice'' each place it appears and inserting ''official advice'':

(A) Paragraph (1) of subsection (b).

(B) Subparagraph (A) of subsection (i)(1).

(C) Paragraphs (3) and (4) of subsection (i).

(3) Subparagraph (A) of section 6110(g)(5) is amended by inserting ''official advice and'' before ''technical advice''.

(4) The heading for subsection (i) of section 6110 is amended by striking ''CHIEF COUNSEL'' and inserting ''OFFICIAL''.

(5) The heading for paragraph (1) of section 6110(i) is amended by striking ''CHIEF COUNSEL'' and inserting ''OFFICIAL''.

(6) The headings for paragraphs (2) and (3) of section 6110(i), and for subparagraphs (A) and (B) of paragraph (4) of such section, are each amended by striking ''CHIEF COUNSEL'' and inserting ''OFFICIAL''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to any official advice issued more than 90 days after the date of the enactment of this Act.

(2) DOCUMENTS TREATED AS OFFICIAL ADVICE.—If the Secretary of the Treasury by regulation provides pursuant to section 6110(i)(2) of the Internal Revenue Code of 1986, that any additional advice or instruction issued by the Office of Chief Counsel shall be treated as official advice, such additional advice or instruction shall be made available for public inspection pursuant to section 6110 of such Code, as amended by this section, only in accordance with the effective date set forth in such regulation.

(3) OFFICIAL ADVICE TO BE AVAILABLE ELECTRONICALLY.—The Internal Revenue Service shall make any official advice issued more than 90 days after the date of the enactment of this Act and made available for public inspection pursuant to section 6110 of the Internal Revenue Code of 1986, as amended by this section, also available by computer telecommunications within 1 year after issuance.

SEC. 203. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) IN GENERAL.—Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking ''in writing'' the first place it appears.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 204. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) IN GENERAL.—Subsection (h) of section 6103 (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new paragraph:

''(7) TAXPAYER REPRESENTATIVES.—Notwithstanding paragraph (1), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 205. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) IN GENERAL.—Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

''(B) DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS NOT PARTY TO SUCH PROCEEDINGS.—

''(i) NOTICE.—Return or return information of any person who is not a party to a judicial or administrative proceeding described in paragraph (4) shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a reasonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

''(ii) DISCLOSURE LIMITED TO PERTINENT PORTION.—The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

''(iii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

''(II) disclosure of third party return information by indictment or criminal information, or

''(III) if the Secretary determines that the application of such clause would seriously impair a criminal tax investigation.''.

(b) CONFORMING AMENDMENTS.—Paragraph (4) of section 6103(h) is amended by—

(1) by striking ''PROCEEDINGS.—A return'' and inserting ''PROCEEDINGS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a return'',

(2) by redesignating subparagraphs (A), (B), (C), and (D) clauses (i), (ii), (iii), and (iv), respectively, and

(3) in the matter following clause (iv) (as so redesignated), by striking ''subparagraph (A), (B), or (C)'' and inserting ''clause (i), (ii) or (iii)'' and by moving such matter two ems to the right.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 206. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting ''(other than address and TIN)'' after ''Return information''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 207. COMPLIANCE BY STATE CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL.—Paragraph (8) of section 6103(p) (relating to State law requirements) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) DISCLOSURE TO CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed by any officer or employee of any State to any contractor of the State unless such State—

''(i) has requirements in effect which require each contractor of the State which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(ii) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each contractor to determine compliance with such requirements,

''(iii) submits the findings of the most recent review conducted under clause (ii) to the Secretary as part of the report required by paragraph (4)(E), and

''(iv) certifies to the Secretary for the most recent annual period that all contractors are in compliance with all such requirements.

The certification required by clause (iv) shall include the name and address of each contractor, a description of the contract of the contractor with the State, and the duration of such contract.''.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 6103(p)(8), as amended by subsection (a), is amended by striking ''subparagraph (A)'' and inserting ''subparagraphs (A) and (B)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to disclosures made after December 31, 2001.

(2) The first certification under section 6103(p)(8)(B)(iv) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2002.

SEC. 208. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) IN GENERAL.—Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

''(2) REQUIREMENTS FOR VALID REQUESTS AND CONSENTS.—A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section or sections 7213, 7213A, or 7431 if—

''(A) at the time of execution, such request or consent designates a recipient of such disclosure and is dated, and

''(B) at the time such request or consent is submitted to the Secretary, the submitter of such request or consent certifies, under penalty of perjury, that such request or consent complied with subparagraph (A).

''(3) RESTRICTIONS ON PERSONS OBTAINING INFORMATION.—Any person shall, as a condition for receiving return or return information under paragraph (1)—

''(A) ensure that such return and return information is kept confidential,

''(B) use such return and return information only for the purpose for which it was requested, and

''(C) not disclose such return and return information except to accomplish the purpose for which it was requested, unless a separate consent from the taxpayer is obtained.

''(4) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY.—For purposes of this subsection, the Secretary shall prescribe a form for requests and consents which shall—

''(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

''(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

''(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.''.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall—

(1) evaluate (on the basis of random sampling) whether—

(A) the amendments made by subsection (a) are achieving the purposes of this section,

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how, and

(C) the sanctions for violations of such requirements are adequate, and

(2) include such recommendations that the Treasury Inspector General for Tax Administration considers necessary or appropriate to better achieve the purposes of this section.

(c) CONFORMING AMENDMENT.—Section 6103(c) is amended by striking ''TAXPAYER.—The Secretary'' and inserting ''TAXPAYER.—

''(1) IN GENERAL.—The Secretary''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 209. NOTICE TO TAXPAYER CONCERNING ADMINISTRATIVE DETERMINATION OF BROWSING; ANNUAL REPORT.

(a) NOTICE TO TAXPAYER.—Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: ''The Secretary shall also notify such taxpayer if the Treasury Inspector General for Tax Administration determines that such taxpayer's return or return information was inspected or disclosed in violation of any of the provisions specified in paragraph (1), (2), or (3).''.

(b) REPORTS.—Subsection (p) of section 6103 (relating to procedure and recordkeeping), as amended by section 201(b), is further amended by adding at the end the following new paragraph:

''(10) REPORT ON UNAUTHORIZED DISCLOSURE AND INSPECTION.—As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the unauthorized disclosure and inspection of returns and return information, including the number, status, and results of—

''(A) administrative investigations,

''(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

''(C) criminal prosecutions.''.

(c) EFFECTIVE DATE.—

(1) NOTICE.—The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) REPORTS.—The amendment made by subsection (b) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 210. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

Paragraph (1) of section 6103(m) (relating to disclosure of taxpayer identity information for tax refunds) is amended by inserting '', and through any other means of mass communication,'' after ''media''.

TITLE III—OTHER REQUIREMENTS

SEC. 301. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 302. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))'', and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) (other than paragraph (3)) which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) FAILURE OF SERVICE TO ACT ON DETERMINATIONS TREATED AS EXHAUSTION OF REMEDIES.—The second sentence of paragraph (2) of section 7428(b) (relating to exhaustion of administrative remedies) is amended to read as follows: ''An organization requesting the determination of an issue referred to in subsection (a)(1) shall be deemed to have exhausted its administrative remedies with respect to—

''(A) a failure by the Secretary to make a determination with respect to such issue at the expiration of 270 days after the date on which the request for such determination was made if the organization has taken, in a timely manner, all reasonable steps to secure such determination, and

''(B) a failure by any office of the Service (other than the office which is responsible for initial determinations with respect to such issue (hereinafter in this subparagraph referred to as the 'initial office'), to make a determination with respect to such issue at the expiration of 180 days after the date on which any request for such determination was made by the initial office if the organization has taken, in a timely manner, all reasonable steps to secure such determination.''.

(d) EFFECTIVE DATES.—

(1) DECLARATORY JUDGMENT.—The amendments made by subsections (a) and (b) shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

(2) FAILURE OF SERVICE TO ACT.—The amendments made by subsection (c) shall apply to applications received in the national office of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 303. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) IN GENERAL.—Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: '', including a summary (by category) of the 10 most common complaints made and the number of such common complaints''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 304. INCREASE IN THRESHOLD FOR JOINT COMMITTEE REPORTS ON REFUNDS AND CREDITS.

(a) GENERAL RULE.—Subsections (a) and (b) of section 6405 are each amended by striking ''$1,000,000'' and inserting ''$2,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, except that such amendment shall not apply with respect to any refund or credit with respect to a report that has been made before such date of the enactment under section 6405 of the Internal Revenue Code of 1986.

SEC. 305. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 1999, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year—

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees),

(2) the amount of each such payment,

(3) an analysis of any administrative issue giving rise to such payments, and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 306. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 1999, the Treasury Inspector General for Tax Administration shall submit a report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 307. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 308. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning in 2000 and later (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of—

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds, and

(2) the consequences under such section 6511 of the failure to file a return of tax.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from Pennsylvania (Mr. COYNE) will each control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

□ 1430

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 4163.

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

There was no objection.

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

Mr. Speaker, while some might find it surprising, I still do my own taxes. Often people ask me why, and the answer is easy. I think that as chairman of the Committee on Ways and Means I should understand fully all of the difficulties, all of the headaches, all of the confusion, that Americans face in dealing with our complicated tax system.

Over the past 5 years, we have cut taxes and we have tried to simplify the code. Clearly, one of the greatest simplifications is the elimination of taxes on home sales. Now one does not have to bring a shoe box full of receipts to their tax preparer when they sell their home. Yet the Tax Code is still too complicated and confusing, and we eventually need to get the IRS out of the lives of individual Americans.

In the meantime, we should be sure that the current system treats taxpayers fairly while protecting their rights and privacy. That is why we are here today, to begin work on a new taxpayer bill of rights.

This Taxpayer Bill of Rights 2000 builds on the IRS Reform Act which we passed in 1998, which by the way was the first reform of the IRS since 1952. Our new plan will help taxpayers even further to protect taxpayer privacy, level the playing field between taxpayers and the IRS, and take at least some small steps to help simplify the process of paying taxes.

While taxpayer rights are important, we also believe taxes should be lower. Federal taxes, as a percentage of GDP, are the highest since World War II. So we want to fix the marriage tax penalty, help families save for education, and bury the death tax.

We also passed incentives for health research, long-term care, adoption, small businesses and many, many other worthwhile activities; but we are not through yet.

Today I am pleased that my Democratic colleagues have joined with us to make this a bipartisan taxpayer bill of rights, and I commend the gentleman from New York (Mr. HOUGHTON) of the Subcommittee on Oversight, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Arizona (Mr. HAYWORTH) for putting this package together on our side, as well as the gentleman from New York (Mr. RANGEL), the gentleman from Pennsylvania (Mr. COYNE) and others for joining with us on the other side.

As the old saying goes, there is nothing certain but death and taxes. We cannot do anything about death but we can and should make taxes as fair and easy as possible, and I urge my colleagues to join together and pass this important taxpayer friendly legislation.

Mr. Speaker, I ask unanimous consent to now yield the balance of my time to the gentleman from New York (Mr. HOUGHTON), the chairman of the Subcommittee on Oversight, and that he be permitted to yield blocks of time.

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

There was no objection.

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

Mr. Speaker, I support H.R. 4163, the measure that is before us today. I would like to commend the chairman of the Subcommittee on Oversight, the gentleman from New York (Mr. HOUGHTON), for developing this bipartisan measure that we will be voting on very shortly.

As the ranking member of the subcommittee, I can say that the review of pro-taxpayer proposals by the Joint Committee on Taxation, the Internal Revenue Service's taxpayer advocate, and Treasury proposals was well worth our while.

The bill before us today will help taxpayers nationwide. The bill changes two current failure to pay tax penalty provisions for individual taxpayers. The bill allows the IRS to abate interest in cases that the IRS taxpayer advocate advised us that the IRS made a mistake. Too many taxpayers believe that they paid their taxes only to find out that the IRS calculated the final balance due incorrectly. Taxpayers deserve relief from interest charges in these particular situations.

The bill also addresses situations where the IRS has caused an unreasonable delay or where abatement would prevent gross injustice. This legislation also allows the Congress to obtain more and better information about the IRS to ensure more effective agency and congressional oversight. This bill will make the IRS more accountable by requiring the Treasury Inspector General for Tax Administration to report to the Congress on the reasons for penalty abatements and awards of attorneys' fees.

The Taxpayer Bill of Rights of 2000 will give us better insight into how the IRS is working 2 years after we passed the IRS Reform and Restructuring Act

of 1998. The American people expect that we will continue to work to enhance the fairness of the Tax Code. They also expect to make it easier for people to file and pay their taxes on an annual basis.

At this time I would like to recognize the hard working men and women of the Internal Revenue Service and commend them for the work that they do sometimes under very, very difficult circumstances.

The Taxpayer Bill of Rights of 2000 is a direct response to the enactment of IRS reforms in 1998. It represents timely follow-up of our oversight responsibilities. Unlike the proposals before the Committee on Ways and Means this week, the taxpayer bill of rights is a serious proposal that will be signed into law.

I urge my colleagues to support this bill and continue our efforts to make our tax system more equitable.

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

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

Mr. Speaker, I would, first of all, like to thank the gentleman from Pennsylvania (Mr. COYNE). It has been wonderful to work with the gentleman from Pennsylvania (Mr. COYNE) and also the Members of the Democratic group.

As Peter Druker has always said that all great ideas ultimately degenerate into work, and as a result I would like to thank Mac McKenney on our side, Hugh Hatcher, and Beth Vance. They have done a wonderful job, but particularly the gentleman from Pennsylvania (Mr. COYNE). It has been wonderful to work with him.

Also I would like to thank my associates, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Arizona (Mr. HAYWORTH) who will be speaking and also the gentleman from New York (Mr. RANGEL) who is the full committee ranking Democrat.

Now I am not going to review the bill's 25 provisions. That would take too long. Instead, let me give some examples of what this bill would do.

I would like to describe some of the stories we have heard at the Subcommittee on Oversight, and I want to explain what some of these provisions mean to real taxpayers. The National Taxpayer Advocate told us that the IRS erroneously refunded $59,000 to a particular taxpayer. This is the story. The taxpayer sent the check back to the IRS. The IRS sent the check back to the taxpayer. The taxpayer then returned the check a second time and then the IRS manually refunded the money. The taxpayer deposited the money in the bank until the problem could be solved. When the matter was resolved and the taxpayer returned the money, the IRS required the taxpayer to pay interest.

What kind of sense does that make? And so on and so forth.

Under current law, really the problem is the IRS has no authority. There is no law to help it, to abate interest in such a case. So the problem is not the men and women who work very hard, as the gentleman from Pennsylvania (Mr. COYNE) referred to earlier, for the IRS. The problem is the law. The bill requires instant abatement in taxes like this one.

The National Association of Enrolled Agents told us about a taxpayer, here is another story, who went to work for low wages in 1989. The company failed to withhold taxes during the year and at the end of the year the taxpayer was given a form 1099 miscellaneous and he could not pay his taxes. He now owes $17,000; $1,600 in penalties and $9,000 in interest, if one can believe it.

So under this bill, our bill, the failure to pay penalty will be repealed for taxpayers who enter into the installing agreement with the IRS and interest can be waived if a gross injustice would result. Unfortunately, of course, this bill comes too late for our particular taxpayer who I mentioned earlier, but it will help others, we hope, who find themselves in a similar situation.

The Taxpayer Advocate also told us of another taxpayer who discovered that his partners were defrauding the government. The taxpayer helped the IRS in securing a conviction. In 1990, the taxpayer asked the IRS how much he owed in taxes. The IRS said the information was not yet available and told the taxpayer to wait for a bill. So in 1997, 7 years later, the taxpayer received that bill. It was for $113,000. The taxpayer paid the $113,000 in 1998, but the taxpayer received another bill for $115,000 in interest.

See, it does not make any sense at all. Once again, the problem is not the Internal Revenue Service. The problem is the law and that is what we are intending to change. Our bill will allow the taxpayers who find themselves in such a predicament to stop the running of interest by making a deposit in a dispute reserve account. Amounts deposited in escrow could be withdrawn with interest or used to satisfy an underpayment of tax. Any taxpayer in the dispute with the IRS could choose to put the money in the dispute reserve account to stop the running of interest; very important.

So, Mr. Speaker, the Taxpayer Bill of Rights 2000 will do several things. It will reform the penalties and interests. It will strengthen the taxpayer privacy, very important condition. It will reduce the compliance burden and, lastly, level the field between the IRS and taxpayers. It will literally help millions of taxpayers. That is our hope.

Now this is an important first step, and it is a first step. There are needed reforms, but we also need to simplify the Tax Code. Many of these provisions would be unnecessary if the Tax Code was less confusing. So I look forward to working with my colleagues on tax simplification, and I am pleased to join my colleagues from the Committee on Ways and Means, Republicans and Democrats, in bringing this needed bill before the House, and I urge my colleagues to support its adoption.

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

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), who has a very important proposal relative to a financial disclosure amendment that he would like to discuss.

Mr. DOGGETT. Mr. Speaker, this is a good bill. I support it. I am a cosponsor of it. I think we need more taxpayer rights, but this afternoon's debate is a strange one. Last week at the scheduling colloquy, the Republican leadership announced that we would have full and open debate on the question of taxpayer rights so that any Member could come forward with their ideas about how we might expand those rights. Today we do not have that opportunity because Republicans discovered one amendment that I have been offering, of which they were very fearful. This amendment addresses the right of taxpayers to know, specifically to know about taxpayer-subsidized, nonprofit political bank accounts that can keep their contributors unknown to the public and can spew out unlimited amounts of hate on the airwaves while they take hidden money. This is the so-called section 527, the new Swiss bank account for politicians this year.

The Republican leadership was so very scared that their members would have to vote out here on the floor today against public disclosure that they terminated the debate. They have now limited us to 20 minutes to a side and prohibited any member from offering any amendment on any subject. Regarding these 527 organizations, I stood with JOHN MCCAIN on Friday, just outside this Capitol, and he said ''527 organizations are the latest manifestation of corruption in American politics.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. Under c1. 1 of Rule XVII, the gentleman may not quote senators.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Speaker, I would make a parliamentary inquiry. The gentleman may quote any American citizen. I did not refer to any Senator. I referred to JOHN MCCAIN, a presidential candidate, and I would ask at this point, Mr. Speaker, if in fact it is not appropriate to quote other American citizens on the floor, particularly when they speak out as eloquently as Mr. JOHN MCCAIN of Arizona did on this question of corruption of American politics by 527 political organizations.

The SPEAKER pro tempore. The Chair would advise the gentleman that the weight of recent precedent and the purposes of the rule prohibit references to speeches or statements of senators occurring outside the Senate Chamber.

□ 1445

Mr. DOGGETT. Mr. Speaker, just so that I am clear, then, and so that I will be able to urge the same point in the future, any reference to a member of the Senate, even though the title Senator is not mentioned, and even though

the comments, instead of being on the floor of the Senate, were outside of the Capitol building with Common Cause as they released their ''stealth-PAC'' report against these 527 organizations, I may not utter the name JOHN MCCAIN or that of any other member of the Senate on the floor, even though they speak in a private capacity.

The SPEAKER pro tempore (Mr. OSE). The Chair would advise the gentleman from Texas that, for the purposes of comity on the floor of the House, that the precedent states that the personal views of the Senator not uttered in the Senate are not allowed to be quoted in the House.

The weight of recent precedent and the purposes of the rule prohibit references to speeches or statements of Senators occurring outside the Senate Chamber, and the reference to Senator MCCAIN, who is clearly a member of the Senate, falls within that purview.

Mr. DOGGETT. So that the Chair is instructing me I may not mention the name ''JOHN MCCAIN'' on the floor of the House, Mr. Speaker. Is this not an exception? I could understand why some might not want it mentioned.

The SPEAKER pro tempore. The Chair would advise the gentleman that, to the extent the quotations of the Senator are occurring outside the Senate Chamber, then it does not come under any of the exceptions to clause 1 of rule XVII.

Mr. DOGGETT. Does a statement that JOHN MCCAIN as a citizen makes outside the Capitol with Common Cause at a press conference to point out the evils of these stealth PACs fall under one of these exceptions or not?

The SPEAKER pro tempore. That does not come under the exception of clause 1 of rule XVII.

Mr. DOGGETT. I am pleased to be informed, though I consider it a strange ruling, Mr. Speaker.

A great American hero from Arizona has said that section 527 organizations are ''the latest manifestation of corruption in American politics.'' Yet this House Republican leadership refuses to let this House deal with this issue today because they are afraid to give taxpayers the right to force groups like this ''Shape the Debate'' group, shown on this poster, to disclose who gave them their dirty money. It could come from China or any foreign source. It could come from a homegrown special-interest group.

This is wrong. Taxpayers should have the right to know about all of this. They are being denied that right to learn who is corrupting the American political system through these 527 political organizations. I do not believe it helps people of either party. I do think it cuts to the heart of our American democracy.

Mr. HOUGHTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from New York, the subcommittee chairman, for yielding me the time.

I will admit the fact that the gentleman from Texas comes to the floor, taking what is a positive piece of legislation, and tearing it asunder, because if there is genuine concern on the part of those who represent all 435 districts in this House about campaign finance abuses, Mr. Speaker, the first place we should look is down at the other end of Pennsylvania Avenue.

The gentleman from Texas (Mr. DOGGETT) just mentioned China. It is a sad fact that the President of the United States, on numerous occasions, sought the help of the Chinese Communists in his reelection campaign. It is a sadder fact that the presumptive nominee of the Democratic Party was active in soliciting funds from the Chinese Government.

I would just ask Members of this body, if we want to have a real political donnybrook and tug-of-war, we can do that. Never mind the recent amnesia about the fact that every tax bill debate here comes under a closed rule. So we debate the merits of the tax bill.

If my friends were interested in genuine reform, how curious it is that no action was taken in the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON) in the chair. How curious it is that no one reached out to a Member of this body on the committee of jurisdiction, allegedly. I received no communication from the gentleman from Texas (Mr. DOGGETT) to take up this alleged reform. But how much more important it would be to do the substantive work to help people.

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

Mr. HAYWORTH. No, I will not yield.

Mr. DOGGETT. Well, I can understand that.

Mr. HAYWORTH. Mr. Speaker, it is fascinating to me to watch how the people's work is set aside. I understand the political principle at work. Why go on the defensive? Always be on the offense. Always be involved in misdirection. I guess if I had to defend the legacy of shame that has been brought and heaped upon this country by those who willingly, knowingly took campaign donations from the Communist Chinese, then I guess I would scramble and profess shock and dismay about the current campaign finance structure.

Mr. Chairman, I have said it before; I will say it again: for this crowd to stand in this Chamber and lecture us and the American people on campaign finance reform is akin to Bonnie and Clyde, at the height of their crime spree, holding a press conference to call for tougher penalties on bank robbery.

It is sad. It is despicable. The true search for truth would demand that we look at those who would willingly solicit campaign donations from foreign powers.

Mr. COYNE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL).

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, since the gentleman from Arizona (Mr. HAYWORTH) would not yield, will the gentleman from Massachusetts yield to me?

Mr. NEAL of Massachusetts. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, the gentleman from Massachusetts is aware, is he not, that during the Committee on Ways and Means last week, before the Committee on Ways and Means convened, then again on Friday after the Committee on Ways and Means, I invited the gentleman from Arizona (Mr. HAYWORTH) and every Member of the Republican leadership and Members of this House to join to make this a truly bipartisan effort to clean up what one great Arizonan has said is ''a manifestation of corruption in American politics''?

Mr. NEAL of Massachusetts. Mr. Speaker, as shocking as it is, I have to agree with the gentleman from Texas (Mr. DOGGETT). He is right on target.

Mr. Speaker, the gentleman from Arizona (Mr. HAYWORTH) who took to the well here, he mentioned a couple of terms to describe the current American campaign finance system. Those people sitting up there in the Chamber, they know that the only word that he said that was accurate was despicable.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. References to visitors in the gallery are inappropriate according to the rules of the House.

Mr. NEAL of Massachusetts. Mr. Speaker, there are some visitors in this Chamber as well as Members who would describe the current campaign finance system as being despicable. I think that there is general agreement across the Nation today that that is the case.

This legislation as proposed, does indeed make some modest improvements in interest and penalty provisions of the Tax Code, and it ought to be supported by the House. These improvements, however, are overshadowed, unfortunately, by the Suspension Calendar that prevents Democrats from offering a germane amendment. This amendment would have been offered by the gentleman from Texas (Mr. DOGGETT). It would require the public disclosure of contributions to and expenditures by section 527 political committees.

These committees are increasingly being used to circumvent the public's right to know who is trying to influence elections in this Nation. They are like an underground economy and are increasingly being formed because they exist in the shadows and get around normal election rules that apply to everyone else.

All the gentleman from Texas (Mr. DOGGETT) wants to do is to apply some antiseptic to these committees. He does not challenge their right to exist.

He merely wants them to respect the public's right to know. Disclosure, I thought, was the Republican mantra for campaign finance reform. Now we find out that, for many, it is simply a position that they take.

Mr. Speaker, too little public information exists on these organizations. They seem to be growing dramatically to support the election efforts of the other side. But they are also in support of some Democrats. The truth is we do not really know, and that is why we should move ahead with disclosure right now without delay.

We are going to overwhelmingly pass this modest bill and leave the only significant reform behind. That is too bad, but given the fact that the three days of hearings on tax reform and the other three tax bills on the floor this week exist only for political purposes, I guess at this moment it is the best that we can expect.

Mr. HOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from New York (Chairman HOUGHTON) for yielding me this time and for his leadership on this package.

I hate to disappoint the crowd who has gathered here, but I am going to talk about taxpayer rights and not campaign finance reform. As someone who has worked for the last 7 years on IRS reform with the gentleman from Pennsylvania (Mr. COYNE) and with others, I think this is something that we ought to focus on, which is expanding taxpayer rights.

I think this campaign finance discussion, while interesting, is an entirely different subject that ought not to be part of this bill. I think it is incorrect to say that tax bills come up on this floor under an open rule or anybody can offer an amendment. It has never happened in the 7 years that I have served.

I think that the legislation that the gentleman from Texas (Mr. DOGGETT) is talking about is not ready as compared to this legislation, which is carefully considered, the result of numerous reports, including from the Joint Committee on Taxation, including from the IRS, the Taxpayer Advocate.

I think, in fact, that we ought to wait for the Treasury Department's report on this very topic, which is, incidentally, already late, overdue, under the law. It was supposed to already be here; it is not here yet. I think at the very least my friends on the other side of the aisle would want to wait until the Clinton administration Treasury Department comes up with its recommendations on this topic.

Again, I hate to disappoint folks, but rather than killing these important taxpayer rights provisions with a partisan poison pill on 527, a campaign finance issue, rather than focusing on that, I would like to focus on what we are doing together on a bipartisan basis to continue the effort to reform the IRS and make our tax system work better.

Again, I want to thank the gentleman from New York (Chairman HOUGHTON) for his work in this regard; the gentleman from Arizona (Mr. HAYWORTH), who was here earlier who worked on the taxpayer rights; the gentleman from Pennsylvania (Mr. COYNE); and others who put together this legislation that we are considering.

The gentleman from New York (Chairman HOUGHTON) has touched on a lot of the key provisions. Let me just talk about how this came about because I think it is important for the House to understand where we are and why we are here.

Two years ago, after 2 years of work, this Congress passed the historic IRS Restructuring and Reform Act. It did a lot of things. But it was based on a year-long, bipartisan national commission on restructuring the IRS. It was the most dramatic overhall of the IRS since 1952, long overdue.

Yes, among other things, we dramatically improved taxpayer rights. We added over 50 new taxpayer rights. We affected over 70 taxpayer rights, changing them to make the IRS work better for the taxpayer.

The long-term goal of these reforms is that, within a period of time, we think 3 to 5 years, we will have an IRS that actually offers every taxpayer the level of service, efficiency, and respect that they deserve and that approaches the private sector customer service standards. It is a daunting task.

But by our action today, if we can approve these taxpayer rights and keep to this topic and move this forward, we will actually be continuing our efforts, which are encouraging and bipartisan, to truly have a new IRS and new taxpayer system.

One of the taxpayers rights that we changed, for instance, 2 years ago was shifting the burden of proof. So now when one goes to tax court, rather than having the burden of proof be on one as a taxpayer, it is on the IRS, as it should be, as it is in the criminal justice system, as it is in other forums.

We also do not allow the IRS to seize one's homes and properties anymore unless they are subject to judicial reviews. We also allow taxpayers to seek damages from the IRS for wrongful collection actions.

These are very significant reforms, again, that this Congress put forward after a lot of work over a 2-year period as part of last year's, or 2 years ago, through the Structuring and Reform Act.

Finally, it did two very important things with regard to taxpayer rights for the future. It required that the Taxpayer Advocate issue a report and made the Taxpayer Advocate independent enough to be able to issue a bona fide report on problems taxpayers face, to encourage more taxpayer rights.

What are we talking about today? We are talking about provisions that come from that Taxpayer Advocate's report, which was reported on earlier this year. Second, we required that the Joint Committee on Taxation conduct studies on two issues: one is interest and penalties, a very complex, difficult issue for the IRS and for many taxpayers.

□ 1500

And, second, on taxpayer privacy, such as the disclosure of tax return information.

Two good Joint Tax Committee reports underlie what we are doing today. In fact, a number of our provisions come straight out of those Joint Tax Committee reports that were mandated under the Restructuring and Reform Act.

Again, these are common sense proposals that are the natural next step in our ongoing effort to create a better tax system and to truly reform the IRS. I hope we will keep our focus on that this afternoon.

The gentleman from New York (Mr. HOUGHTON) again has talked about some of these provisions, and I will just touch on a couple.

One, it does expand privacy with regard to taxpayers. Very important.

We provide more protection against computer hackers gaining access to your and my taxpayer records. We require the IRS to notify taxpayers immediately if taxpayer information has been obtained illegally.

We increase tax fairness in a number of ways, including improving notification of undelivered refund checks.

For taxpayers who pay estimated taxes, we increase the estimated tax threshold providing more of a buffer, doubling it from $1,000 to $2,000.

We have very important provisions that enable taxpayers to stop the escalation of interest charges that build up and up and up during disputes with the IRS and taxpayers. We encourage taxpayers and, by the way, we drafted this provision to get into installment agreements with the IRS to resolve their issues.

These are important provisions. And, Mr. Speaker, I would just say finally that this is a carefully considered, thoughtful package, and I hope all my colleagues will support it.

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. COYNE) for yielding me this time. I rise today in support of the amendment of the gentleman from Texas (Mr. DOGGETT) that the Republicans voted down in committee and blocked from being offered to the Taxpayers' Bill of Rights today.

Every person in America realizes the importance and the necessity of fixing our system of financing elections. This amendment is an important step toward campaign finance reform. It will close another loophole in the financial disclosure laws. It would clean up the

mess created by section 527 political organizations.

These organizations can take unlimited money from almost any source, even foreign money, and make expenditures without any disclosure to anyone. It is a sham, it is a shame, and it is a disgrace.

The American people deserve better. Much better. The amendment requires simple disclosure by these organizations. The American people have a right to know. They have a right to know who is funding political campaigns in our country. They have a right to know who is behind the attack ads.

The American people have a right to a free and fair election process. We need to end the pollution of the political process in our country. There is already too much money in the political process. There is no room for secrecy.

Mr. Speaker, I am very disappointed that the Doggett amendment will not be included in this bill. We need to fix the mess and we need to fix it now. I urge all of my colleagues to vote for the Doggett amendment when it finally comes up for a vote on the House floor.

Mr. COYNE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise today to express my frustration with the fact that while this bill itself is worthy, an essential amendment was denied a hearing today, the amendment by my friend, the gentleman from Texas (Mr. DOGGETT).

For months, actually for years, we have heard the solution to campaign finance reform is disclosure. Yet when the gentleman from Texas (Mr. DOGGETT) introduces an amendment calling on disclosure of 527 funds, that amendment is denied consideration.

If we asked the American people a couple of questions, although I think we know the answers, if we asked them, Do you think your representatives should spend more time on the phone or more time with constituents?, they would say more time with constituents. If we asked them, Do you think there should be unlimited, untraceable, unreported donations from whoever chooses?, the American people would say that is wrong.

When we talk about a Taxpayers' Bill of Rights, my colleagues, it is a right of the taxpayers to know where this money is coming from that is influencing our political process, and this amendment should have been ruled in order.

No organization which is granted section 527 status should be allowed to hide their list of donors or be less than forthright when it comes to telling citizens how they are spending their money. If these 527 organizations have the right and ability to influence campaigns, the people have a right to know where the money comes from.

We need to address this issue and address it now.

Mr. Speaker, I rise today to express my frustration with the fact that this important measure has been relegated to the suspension calendar rather than being given a chance to have a full and open debate.

I am dismayed that the House Leadership continues to oppose any and all types of substantive campaign finance reform. They fought tooth and nail to keep the bipartisan Shays-Meehan legislation from coming to the House floor. They have resisted time and time again giving this debate the attention it deserves, maintaining that the American people don't care about this issue.

They are simply wrong. If we ask American voters a couple of questions, we know the answers: Do you want your elected representatives to spend more time on the phone begging for dollars or more time with their constituents and studying issues? Do you want unlimited amounts of external money from untraceable sources to influence the outcome of your election or do you want the character, knowledge and ability of the candidates in competition to influence the outcome of the election? Do you want the legislative process to be skewed by big dollars or to be determined by the merits of the policy arguments?

So why did the Rules Committee make out of order a sound amendment from my good friend from Texas, LLOYD DOGGETT, that would go a long way to making "527 Stealth PAC organizations" more accountable to the American people?

Absolutely no organization which is granted "Section 527" status should be allowed to hide their list of donors, or be less than forthright when it comes to telling citizens how it is spending their money to influence the political process. If these "Section 527" organizations have the right and the ability to influence campaigns, then the American people have a right to know where the money is coming from and how that money is being spent.

I want to be clear—I do not oppose the provisions of this bill; I don't have problems with the content of the bill. What I do have problems with is the tactical maneuvers surrounding today's action. What we're doing today is simply wrong and I urge the Members of this body to give this measure a sufficient amount of time for floor debate.

Mr. COYNE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I support this bill to give taxpayers more rights when dealing with the IRS, but taxpayers should also be protected from shady political organizations. This would be a better bill if it included the Doggett amendment on so-called 527 groups.

These are tax-exempt political organizations trying to influence elections. They spend millions of dollars on negative ads, direct mail campaigns, and phone banks. Where do they get their money? From the shadows.

527 groups do not have to disclose how much money they raise or where their money comes from. Voters do not know then who is behind the 30-second TV ads trashing their candidates. There is absolutely no accountability, and the American taxpayer is footing the bill.

There is an old saying, Sunshine is the best disinfectant. The Doggett amendment would bring a little sunshine into this shadowy corner of politics.

As tax day approaches, Mr. Speaker, I urge the House leadership to let us vote on the Doggett amendment so we can give the American taxpayer and the American voter the break they deserve.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I am a little frustrated as well as the other side in listening to some of my colleagues.

The gentleman, with his amendment, is simply trying to divert from the fact that taxpayers have rights in this country. I think the gentleman ought to focus his energy on helping the taxpayer out there. Instead, what we saw in committee over there and what we are seeing now, is that this gentleman is trying to focus attention away from the taxpayers of this country who are demanding some attention from the IRS, as far as the rights they should be entitled to, and he is trying to move it into the trial lawyers' circle. He is trying to move it into the circle of campaign reform.

How interesting all of a sudden that this gentleman steps forward and starts talking about campaign reform. I urge the gentleman to step forward and start talking about taxpayer rights. I urge the gentleman to take a look at the taxpayers of this country and not to raise their taxes, but to give these taxpayers fair notice. Put them on an even playing field with the government.

What is happening here is simply a diversion, and that is all there is to it. It is very easy to see what is occurring here, but it grabs lots of attention. Let us get on the floor and let us draw away as much as we can attention from the needs of the taxpayer and let us talk about this theoretical campaign reform.

And by the way I would be very interested to see the gentleman's entire package and see what it does with the trial attorneys' association. I would be very interested to see the gentleman's package and what it does with the labor unions. I would be very interested to see the disclosures the gentleman himself has filed in regards to his campaign expenditures.

That is not the issue we are here for today. The issue that we are dealing with here today are taxpayers' rights. My colleagues, the burden on the taxpayers is the heaviest it has been since World War II. There are a lot of working men and women out there who deserve to have rights when they deal with the government.

There are a lot of new people in this new generation, I had a small class of them in my office the other day, young people who, for the first time, have taken summer jobs, and they are asking me what do these taxes go for.

I urge the gentleman to withdraw his amendment. Do not put this amendment forward. Put the energy where it

needs to be, and that is with the taxpayers of this country.

Mr. COYNE. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Pennsylvania (Mr. COYNE) has 8½ minutes remaining, and the gentleman from New York (Mr. HOUGHTON) has 2 minutes remaining.

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

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

What we are talking about with the amendment here is getting at the heart of our democracy, of our form of government. Of course we are interested in taxpayer rights, and I support the underlying bill, but the Doggett amendment should be in order.

We are talking about transparency. The 527 organizations seek to influence elections under the cloak of secrecy. And I can tell my colleagues, Mr. Speaker, that we have not seen the worst. The worst is yet to come.

I hope that this House will see fit to adopt the Doggett amendment.

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

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

Mr. DOGGETT. The gentleman is aware that with this measure we are asking the 527s to do the same thing that trial lawyers and labor unions, myself, yourself, and every candidate already does. That is all this bill does; is that correct?

Mr. HOLT. That is absolutely correct.

Mr. DOGGETT. So the last speaker was totally out of order in his suggestion that we were avoiding taxpayer rights, because what we are involved with is giving all American taxpayers a new right, the right to know what these phony organizations do that taxpayers are forced to subsidize—where they get their money, just as they already can learn about the gentleman, myself, or any other candidate for federal office.

Mr. HOLT. The gentleman is correct.

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I watched the distinguished Member from Colorado and I saw he was lathered up here, and I was really beginning to be fearful for his mental health, watching him go on. He did not seem to understand what political contributions have to do with the Tax Code.

Now, I want to explain something to him. Most Members who get elected have to raise a lot of money. A lot of money has to be raised, and they get it from all these corporations who want something to happen in these hallowed halls. They do not give that money for no reason at all. If they cannot get it from the Member, then they cannot get their message across. So they form up these 527 organizations. They have unlimited amounts of money. They can take money from anywhere in the world, and nobody will ever know where it came from.

So if the gentleman is worried about the taxpayers of this country and he is not worried about what it is that changes the tax structure and who gets the breaks around here, the gentleman ought to go down to K Street and take a little look around. Those offices down there are paid for by the same people who have the 527 organizations who want the tax structure to work for them.

And if the gentleman is worried about taxpayers, he ought to worry about what happens when these organizations can pour unlimited money into the airwaves to assault the Congress with these ads, and the public, about the way things are going.

Now, everybody says there is this terrible problem with all this money in politics. And, as a matter of fact, I read here what Fred Werthheimer, who used to be the head of Common Cause said. ''We have an elected official with power and influence and the ability to do favors for undisclosed donors.'' Undisclosed donors.

Everybody says they want an open book. Then they ought to vote for the amendment of the gentleman from Texas (Mr. DOGGETT).

Mr. COYNE. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

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

Mr. Speaker, being, myself, a cosponsor of this Taxpayer Bill of Rights, I like the bill we have, but I believe we could make it much better with the amendment that I sought to offer. And so does the Joint Committee on Taxation, which happens to be chaired by a Republican Member, the chairman of the House Committee on Ways and Means. That Joint Committee, this January, called for disclosure of these 527 organizations. And what has the House Committee on Ways and Means or this House as a whole done about it until now? Absolutely nothing. Until I offered this amendment in the committee, once again, Republicans were going to sit on their hands to oppose reform.

I just want the American people to know that when they turn on their television set and they begin seeing one attack ad after another, probably from both sides, spewing out hate and misrepresenting someone, that today it was the House Republican leadership that blessed that kind of conduct, because they have denied us an opportunity to at least learn, when the attack ads hit the airwaves, who the attackers are.

□ 1515

As to the phoney claim made today that there is a need to find out more about this or that other organization, all we are trying to do is to apply the same standards to these 527 organizations that already apply to every Member of Congress, Republican and Democrat, with reference to their individual campaigns.

I think that the American taxpayers who are subsidizing these organizations, American taxpayers who are filling out their own tax forms right now, should know that these 527 organizations usually get away tax free. They are subsidized by the hard-working men and women of America. And one of these groups is called ''Shape the Debate.''

My colleagues can pull up that Web page right now, and they will see an advertisement on it to promote more hate ads. It calls for the giving of unlimited amounts of contributions. It says they can be from any source. And I might note that that source, while it can be a corporate treasury written right out of the corporate treasury, it could also be China or Iraq or Cuba or any other country because it is all hidden money.

Just focusing on this as one example, which any American can pull up on the World Wide Web right now, you will find an effort to solicit just that kind of money, unlimited amounts of money that can come directly from a corporate treasury. And what do they go on to promise those who give? Well, these contributions, they tell us, ''are not reported to the Federal Election Commission or any State agency, and they do not count against contribution limits.'' The whole idea is nobody will know.

This Republican Party has become so wed to secret money funding. Within the last week we have heard reports of a million-dollar contribution, a million dollars of undisclosed money from one source we have heard. They can spend it on a townhouse. They can spend it on a truck. They can spend it on sky boxes. Or they can spend it on hate ads. And that is what these 527 organizations do, they spew out hate.

And they want to be able to continue to operate under some pleasant-sounding name like ''Americans for Better Government,'' when, in fact, the money that they are using is from some special-interest group that wants to control the agenda of Congress.

Let me give my colleagues another example of the kind of organization that Republicans are protecting. Many of us have heard from our seniors that they ought not to be having to pay twice as much as the most favored customers of pharmaceutical companies on purchases of their prescription drugs. And so now we have some group out there called ''Citizens for Better Medicare.'' It is a 527 organization just like ''Shape the Debate.''

''Citizens for Better Medicare'' can go around and attack all of us who

want to end the price discrimination against our seniors on prescription drugs and claim they are on the side of the seniors. And who is funding that organization? Well, we will never know from the IRS. We will never know from the disclosure reports like I and every other Member of Congress must file. But what we have learned, in fact, is it is the pharmaceutical companies themselves fighting to protect the discrimination they want to continue against our seniors.

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

Mr. Speaker, this is a very important and appropriate follow-up, the legislation that we are discussing here today, of the oversight subcommittee's work in the early 1990s under the leadership of Congressman Jake Pickle. The work that the gentleman from New York (Mr. HOUGHTON) has done on this legislation and other members of the subcommittee, I think, warrants us voting for this in overwhelming proportions, and I hope that it passes. It is a good piece of legislation.

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

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

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) for his comments.

I am really disappointed that this thing has gone down into sort of the political pits where one party is accusing the other party. That was not the essence of what we were trying to do. We were trying do this on a bipartisan basis, the gentleman from Pennsylvania (Mr. COYNE), myself, the gentleman from Texas (Mr. ARCHER), and the gentleman from New York (Mr. RANGEL). That was the essence of it.

Every member of the Committee on Ways and Means has a bill he or she would like to add to this. But I have always felt, particularly now, we owe it to the taxpayers of this country to approve the taxpayer rights package and save any campaign finance debate for another forum.

I really feel this, and I feel it not only as a Republican but also as a Member of this Chamber and really in a bipartisan mode. That is the important thing that we do now.

Mr. PELOSI. Mr. Speaker, I support Representative DOGGETT's proposal to require political organizations operating under Section 527 of the Tax Code to file publicly-disclosed reports with the IRS that include the names of contributors and expenditures. These Section 527 political operations have gained too much political influence and can swing elections without any public monitoring or oversight. I am disappointed the House Republican leadership did not allow this amendment to be offered today on the House floor.

Recently, the Republican led House Ways and Means Committee voted 21 to 15 on party lines to defeat Representative LLOYD DOGGETT's initiative to close this existing loophole in U.S. campaign finance disclosure laws that is enabling an expanding number of organizations to channel tens of millions of dollars into political campaigns. While DOGGETT's initiative would not impose any limits on use of funds, it would require greater disclosure to illuminate the motivation and sponsor of political attacks and help the implied targets of such attacks identify their attackers.

At present, political organizations operating under Section 527 can operate without disclosing who they are and collect unlimited contributions without paying tax on the funds. As long as their activities are focused on ''issues,'' as opposed to specific candidates, they are exempt from the reporting requirements of federal election laws. Representative DOGGET's proposal mirrors the filing and disclosure rules that Federal political parties and campaign committees must follow under the Federal election laws administered by the Federal Election Commission [FEC], and mirrors the existing Internal Revenue Code penalties on tax-exempt organization that fail to file and fail to publically disemminate reports.

We must reform our tax laws and political campaign laws to ensure that money does not destroy our democracy. I support Representative DOGGETT's proposal and am disappointed the House Republican leadership prevented us from debating this issue of critical importance to our democracy.

Mr. WATTS of Oklahoma. Mr. Speaker, during this dreaded week of headaches and frustration for the American taxpayer who has just finished or is still trying to file their income tax forms to the IRS, I rise today in strong and enthusiastic support of H.R. 4163—The Taxpayer Bill of Rights.

A common theme that we have pursued since attaining the majority in Congress has been to make government smarter, simpler, and fairer in its treatment of our citizens. We should never forget that we are here to serve the people, and not the other way around.

In addition to our continuing efforts to explore ways to make the income tax a fairer and more equitable system, this Republican-led Congress has been working hard to make the Internal Revenue Service more responsive to the American taxpayer. It is essential, Mr. Speaker, that we continue to ensure that the IRS evolves into a responsive service organization for the 21st century, providing better service to the American taxpayer while ensuring that the IRS meets the highest standards for professionalism, accountability, and efficiency. H.R. 4163 is one more step on the road to reform that began just a few years ago when we enacted the IRS Reform and Restructuring Act in 1998.

Today's bill, the Taxpayer Bill of Rights, builds on this success by further simplifying the income tax filing and IRS appeal process, providing even more rights and protections to the American taxpayer, all while holding the IRS accountable for its actions.

For example, the issue of privacy in this age of computerization and inter-connectivity via the internet, is of increasing concern to many Americans today. This bill places additional protections in place to prevent unauthorized access to tax return information by non-IRS organizations. In fact, even IRS employees would need a supervisor's determination that sufficient grounds warrant inspection of a tax return before they would be allowed authorization to review this information.

An additional essential reform to restore fairness to the income tax system is the provision to allow the IRS to eliminate interest on past-due taxes for cases when the IRS makes a mistake or causes an unreasonable delay, as well as cases in which the taxpayer relies on erroneous written statements from the IRS. Mr. Speaker, it's past time that we stop holding the American taxpayer hostage to IRS errors and bureaucracy. This bill goes a long way to restoring common sense and reasonableness to the operation of this agency.

Once again, this bill is just one more step in our hard-fought efforts to try to bring common sense back to our government, and I encourage my colleagues to join me in strong support of H.R. 4163, the Taxpayer Bill of Rights.

Mr. EWING. Mr. Speaker, on April 15, the citizens of this country will once again face the annual task of paying their taxes. For many Americans preparing their tax return has become a daunting endeavor. Under the current tax system there are more than 700 different tax forms and over 17,000 pages of rules and regulations. The system has become so complex that nearly 60% of all taxpayers seek assistance when filing their returns, but the tax system has become so confusing that even these professional tax preparers have trouble properly calculating returns. In a survey conducted by Money magazine in 1997, 46 professional tax preparers were asked to calculate a hypothetical family's tax return, they received 46 different answers.

The problem does not end there. According to a report by GAO during the 1999 tax filing season the IRS committed 9.8 million errors. Who winds up paying for these errors? Ordinary citizens, even when the IRS is at fault. The IRS operates under a dual standard. It is quick to penalize individuals for mistakes, even those to which it contributes, but is very slow and unrewarding when it is at fault. The time has come to level the playing field.

The IRS Restructuring and Reform Act of 1998 attempted to resolve some of these problems by reforming the IRS and providing 74 new taxpayer rights and protections. While the reforms and rights and protections included in that bill have generally been successful they were merely the first in a series of steps toward truly reforming the IRS. The Taxpayer Bill of Rights of 2000 builds upon the success of that bill and carries the attempt to reform the IRS another step forward.

First and foremost the bill reforms penalties and interest. It repeals the failure to pay penalty for taxpayers who enter into installment agreements with the IRS, and allows for abatement of interest if a gross injustice would otherwise result, in cases attributable to any unreasonable IRS error or delay, or instances of error where a taxpayer has relied on written advice from the IRS.

The bill also allows taxpayers to stop the running of interest by voluntarily depositing amounts in a ''dispute reserve account,'' similar to an escrow account, that would stop the running of interest on amounts in dispute and allow taxpayers to earn interest on that amount if they prevail.

Additionally, it reduces the compliance burden by raising the threshold at which taxpayers would be liable for interest for underpaying estimated taxes from $1,000 to $2,000 and simplifies the calculation of interest on underpayments by providing one interest rate per underpayment period.

The second main feature of the Taxpayer Bill of Rights of 2000 is that it strengthens taxpayer privacy. It accomplishes this by

stengthening safeguards against unauthorized disclosure of federal income tax return information by States and State contractors as well as prohibiting anyone, banks and lenders for instance, from asking or coercing a taxpayer to sign a consent to disclose their tax information unless the form is dated and it is clear who will be receiving the information.

The bill also contains a provision that tightens restrictions on ''browsing'' of taxpayer information by IRS employees. The IRS is required to notify taxpayers after the Treasury Inspector General for Tax Administration determines that a taxpayer's return or return information has been disclosed or inspected without authorization.

Finally this bill levels the field between the IRS and the Taxpayer. It accomplishes this first by excluding interest paid by the IRS from the income of individual taxpayers. Under current law, taxpayers cannot deduct interest that they pay to the IRS, but they have to pay taxes on any interest payment they receive from the IRS.

Secondly, it provides access to the working law of the IRS. All final, written legal interpretations issued to IRS employees that affect a member of the public are made publicly available. If taxpayers are expected to comply with an IRS interpretation of the law, the interpretation should be available. Currently, taxpayers have no way of determining whether the IRS applying the tax laws evenly across the U.S. This will permit taxpayers to determine what is the appropriate legal analysis applicable to their facts and circumstances.

As the complexity of the tax code increases, the need to pretect taxpayers has also increased. We must be diligent and ensure Americans receive the protection they deserve. This bill takes the steps necessary to endure that taxpayers are treated fairly and the information they disclose is protected. It extends the reforms began in 1998 by reigning in and finally putting the taxpayer on an equal footing with the IRS.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 4163, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS ON CLINTON/GORE TAX HIKES

Mr. MCINNIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 467) expressing the sense of the House of Representatives that the tax and user fee increases proposed by the Clinton/Gore administration in their fiscal year 2001 budget should be adopted.

The Clerk read as follows:

H. RES. 467

Whereas on February 7, 2000, President Clinton and Vice President Gore submitted a budget for fiscal year 2001 that raises taxes and fees on working families by $116 billion over 5 years, creates 84 new Federal programs, places Government spending increases on auto-pilot, and fails to offer any serious proposal to strengthen social security or medicare;

Whereas over the next decade the Clinton-Gore budget would spend $1.3 trillion on bigger Government—consuming 70 percent of the projected $1.9 trillion in budget surpluses—thus spending more for the Federal bureaucracy, and less for the American family;

Whereas as part of the $116 billion in tax and fee increases—

(1) the President proposes to raise taxes by $12.8 billion on the insurance products which Americans rely on to protect their families, homes, and businesses,

(2) the President proposes a stealth tax on our children by raising the death tax by $3.5 billion,

(3) the President asks us to increase taxes on energy by $1.5 billion at a time of rising energy prices and increasing dependence on foreign oil, and

(4) the President wants to raise medicare premiums and other health care costs by $3.2 billion at the very time we are trying to insure our seniors' health security by preserving and protecting medicare; and

Whereas the President's solution is to take hard-earned money and send it to Washington where politicians can spend it: Now, therefore, be it

Resolved, That is it the sense of the House of Representatives that—

(1) despite having successfully balanced the budget and created budget surpluses,

(2) despite having protected social security and restored the integrity of the social security trust fund,

(3) despite the fact that in 1999 governments at all levels collected $9,562 in taxes for every man, woman and child,

(4) despite the fact our tax burden is at 20.0 percent of gross domestic product—a post-World War II record high, and

(5) despite the fact that our oversight activities have identified billions of taxpayer's dollars that are subject to waste, fraud and abuse,

the Congress should support the adoption of the package of tax and user fee increases proposed by the Clinton/Gore administration in their fiscal year 2001 budget, as reestimated by the Joint Committee on Taxation, and as outlined below.

PROPOSED TAX AND FEE INCREASES
(Millions of dollars)

	2000–05
I. PROPOSED TAX INCREASES	
A. Corporate Tax Provisions	
1. Five corporate tax provisions with general application	2,340
2. Require accrual of time value element on forward sale of corporate stock	41
3. Modify treatment of ESOP as S corporation shareholder	169
4. Limit dividend treatment for payments on self-amortizing stock	10
5. Prevent serial liquidations of U.S. subsidiaries of foreign corporations	43
6. Prevent capital gains avoidance through basis shift transactions involving foreign shareholders	270
7. Prevent mismatching of deductions and income inclusions in transactions with related foreign persons	229
8. Prevent duplication or acceleration of loss through assumption of liabilities	93
9. Amend 80/20 company rules	167
10. Modify corporate-owned life insurance (''COLI'') rules	2,026

PROPOSED TAX AND FEE INCREASES—Continued
(Millions of dollars)

	2000–05
11. Increase depreciation life by service term of tax-exempt use property leases	66
B. Financial Products	
1. Require cash-method banks to accrue interest on short-term obligations	76
2. Require current accrual of market discount by accrual method taxpayers	52
3. Modify and clarify certain rules relating to debt-for-debt exchanges	136
4. Modify and clarify straddle rules	95
5. Provide generalized rules for all income-stripping transactions	65
6. Require ordinary treatment for options dealers and commodities dealers	93
7. Prohibit tax deferral on contributions of appreciated property to swap funds	NR [1]
C. Provisions Affecting Corporations and Pass-Through Entities	
1. Conform control test for tax-free incorporations, distributions, and reorganizations	86
2. Treat receipt of tracking stock as property	477
3. Require consistent treatment and provide basis allocation rules for transfers of intangibles in certain nonrecognition transactions	145
4. Modify tax treatment of certain reorganizations in which portfolio interests in stock disappear	283
5. Clarify definition of nonqualified preferred stock	73
6. Clarify rules for payment of estimated taxes for certain deemed asset sales	120
7. Modify treatment of transfers to creditors in divisive reorganizations	46
8. Provide mandatory basis adjustments if partners have significant built-in loss in partnership property	159
9. Modify treatment of closely-held REITs	45
10. Apply RIC excise tax to undistributed profits of REITs	4
11. Allow RICs a dividends paid deduction for redemptions only if the redemption represents a contraction in the RIC	1,911
12. Require REMICs to be secondarily liable for the tax liability of REMIC residual interest holders	69
13. Deny change in method treatment in tax-free transactions	25
14. Deny deduction for punitive damages	233
15. Repeal the lower-of-cost-or-market inventory accounting method	2,032
16. Disallow interest on debt allocable to tax-exempt obligations	87
17. Capitalization of commissions by mutual fund distributors	461
D. Cost Recovery Provisions	
1. Provide consistent amortization periods for intangibles	969
2. Establish specific class lives for utility grading costs	307
3. Extend the present-law intangibles amortization provisions to acquisitions of sports franchises	245
E. Insurance Provisions	
1. Require recapture of policyholder surplus accounts	1,622
2. Modify rules for capitalizing policy acquisition costs of insurance companies	5,084
3. Increase the proration percentage for property and casualty insurance companies	323

PROPOSED TAX AND FEE INCREASES—Continued
(Millions of dollars)

	2000–05
4. Modify rules that apply to sales of life insurance contracts	140
5. Modify qualification rules for tax-exempt property and casualty insurance companies	87
F. Tax-Exempt Organization Provisions	
1. Subject investment income of trade associations to tax	730
2. Penalty for failure to file Form 5227	7
G. Estate and Gift Tax Provisions	
1. Restore phaseout of unified credit for large estates	430
2. Require consistent valuation for estate and income tax purposes	50
3. Require basis allocation for part-sale, part-gift transactions	5
4. Eliminate the stepped-up basis in community property owned by surviving spouse	229
5. Require that qualified terminable interest property for which a marital deduction is allowed be included in the surviving spouse's estate	8
6. Eliminate non-business valuation discounts	2,985
7. Eliminate gift tax exemption for personal residence trusts	28
8. Eliminate the Crummey rule and modify requirements for annual exclusion gifts	45
H. Pension Provisions	
1. Increase elective withholding rate for nonperiodic distributions from deferred compensation plans	60
2. Increase section 4973 excise tax on excess IRA contributions	39
3. Impose limitation on prefunding of welfare benefits	873
4. Subject signing bonuses to employment taxes	27
5. Clarify employment tax treatment of choreworkers employed by State welfare agencies	RS [2]
6. Prohibit IRAs from investing in foreign sales corporations	126
I. Compliance Provisions	
1. Modify the substantial understatement penalty for large corporations	15
2. Repeal exemption for withholding on certain gambling winnings	31
3. Require information reporting for private separate accounts	NR [1]
4. Increase penalties for failure to file correct information returns	47
J. Miscellaneous Revenue-Increasing Provisions	
1. Modify deposit requirement for Federal Unemployment Tax Act (''FUTA'')	1,367
2. Reinstate Oil Spill Liability Trust Fund excise tax and increase trust fund ceiling to $5 billion (through 9/30/10)	1,022
3. Repeal percentage depletion for non-fuel minerals mined on Federal and formerly Federal lands	410
4. Impose excise tax on purchase of structured settlements	12
5. Require taxpayers to include rental income of residence in income without regard to period of rental	75
6. Eliminate installment payment of heavy vehicle use tax	320
7. Require recognition of gain from the sale of a principal residence if acquired in a like-kind exchange within 5 years of the sale	45
K. International Provisions	
1. Require reporting of payments to, and restrict tax benefits for income flowing through, identified tax havens	100
2. Modify treatment of built-in losses and other attribute trafficking	524
3. Simplify taxation of property that no longer produces income effectively connected with a U.S. trade or business	NR [1]
4. Impose mark-to-market tax on individuals who expatriate	500
5. Expand U.S.-effectively connected income rules to include more foreign-source income	26
6. Limit basis step-up for imported pensions	50
7. Replace sales-source rules with activity-based rules	7,828
8. Modify rules relating to foreign oil and gas extraction income	1,151
9. Recapture overall foreign losses when controlled foreign corporation stock is disposed	18
10. Modify foreign office material participation exception applicable to certain inventory sales	25
L. Other Provisions Requiring Amendment of the Internal Revenue Code	
1. Hazardous Substance Superfund Taxes:	
a. Reinstate environmental tax imposed on corporate taxable income and deposited in the Hazardous Substance Superfund	3,600
b. Reinstate excise taxes deposited in the Hazardous Substance Superfund	3,853
2. Convert a portion of the excise taxes deposited in the Airport and Airway Trust Fund to cost-based user fees (Administration's estimate)	6,667
3. Increase excise taxes on tobacco products	37,313
4. Repeal harbor maintenance excise tax and authorize imposition of cost-based harbor services user fee	−2,742
5. Accelerate rum excise tax coverover payments to Puerto Rico and the U.S. Virgin Islands	—
6. Restore Premiums for United Mine Workers of American benefit fund	43
Total: Provisions increasing revenue	**88,946**
II. PROPOSED FEE INCREASES	
A. Proposals for Discretionary User Fees	
1. Offsetting collections deposited in appropriation accounts	
Department of Agriculture:	
Food Safety Inspection Service fees	3,098
Animal and Plant Health Inspection Service	55
Grain Inspection, Packers and Stockyards Administration	115
Department of Commerce:	
National Oceanic and Atmospheric Administration, Navigational assistance fees	70
Fisheries management fees	100
Department of Health and Human Services:	
Food and Drug Administration fees	95
Health Care Financing Administration fee proposals:	
Managed care application and renewal fees	105
Provider initial certification fees	65
Provider recertification fees	250
Paper claims submission fees	415
Duplicate and unprocessable claims fees	265
Increase Medicare + Choice fees	646
Nursing home criminal abuse registry fee	20
Department of the Interior:	
User fees on Outer Continental Shelf lands	50
Department of Justice:	
Hart-Scott Rodino pre-merger filing fees	190
Department of Transportation:	
Coast Guard, navigational services fees	2,826
Federal Railroad Administration, rail safety inspection fees	515
Hazardous materials transportation safety fees	95
Surface Transportation Board fees	85
Department of the Treasury:	
Customs, automation modernization fee	1,050
Federal Trade Commission:	
Hart-Scott Rodino pre-merger filing fees	190
National Transportation Safety Board:	
Commercial accident investigation fees	50
2. Offsetting collections deposited in receipt accounts	
Department of Justice:	
Immigration premium processing fee	85
Increase inspection user fees	835
Department of Transportation:	
Pipeline safety fees	59
Environmental Protection Agency:	
Pesticide registration fees	16
Pre-manufacture notice (PMN) fees	36
Nuclear Regulatory Commission:	
Extend Nuclear Regulatory Commission user fees	1,475
Subtotal, proposals for discretionary user fees	12,856
B. Proposed Fee Increases to Offset Mandatory Spending	
1. Offsetting collections deposited in appropriation accounts	
Department of Agriculture:	
Federal crop insurance	69
Department of Labor:	
Implement alien labor certification fees	626
Federal Emergency Management Agency:	
Flood map license fee for flood map modernization	546
2. Offsetting collections deposited in receipt accounts	
Department of Agriculture:	
Recreation and entrance fees	162
Concession, land use, right of way, and filming permits	52
Department of Health and Human Services:	
Medicare premiums	1,446
Department of the Interior:	
Recreation and entrance fees	297
Filming and special use permits fees	19
Hardrock mining production fees	86
Department of the Treasury:	
Customs, extend conveyance/passenger fee	889
Customs, extend merchandise processing fee	2,095
Subtotal user fee proposals to offset mandatory spending	6,287
Total user fee proposals	**19,143**

[1] Negligible or no revenue effect.
[2] Requires specification.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. MCINNIS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. MCINNIS).

GENERAL LEAVE

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 467.

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

There was no objection.

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

Mr. Speaker, the resolution that we have in front of us lays it on the table. It was interesting to hear some of the comments from the people immediately preceding this about sunshine and let us open it up. I think that is exactly what we ought to do with the budget of the President and the Vice President that they have sent over to us.

That budget raises taxes. There is no question about it. It raises taxes. It is hidden in the fine print. What this resolution does is say, hey, let us put all the cards on the table. If the President and the Vice President are going to raise taxes on the American taxpayers, let us be forthright and let us lay it on the table and see exactly how many Democrats are going to vote for it.

That is what this resolution does. It says, does their party really follow the administration wanting to raise taxes, like death taxes for example? And I can go through those in specific. We are going to give them the opportunity to vote on it. Because I think the American people, while our economy is still good, I do not think are very excited about their philosophy to raise taxes. And the administration, I think under the guise of a terrific booming economy, think it is time to squeeze into the pocketbook.

I think it is time to see under openness, under sunshine makes great growing, or whatever that quote was in the last speech. Now is the opportunity for us to see where they stand on raising taxes.

Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. TERRY). I hope he addresses this issue in his comments.

Mr. TERRY. Mr. Speaker, I thank my friend and colleague from Colorado (Mr. MCINNIS) for yielding me the time.

Mr. Speaker, I rise today to bring to the floor another package of tax and fee increases proposed by the Clinton-Gore administration for the fiscal year 2001. This legislation proposes additional taxes and fees totaling $116 billion over the next 5 years.

Now, this body a few weeks ago and the Senate just last week and this week, hopefully, will deal with the conference report on our budget. The thing to keep in mind is that our budget does not raise taxes. In fact, it cuts taxes by $150 billion over the next 5 years.

Our budget protects the Social Security Trust Fund. Our budget pays down the public debt. And we did this without asking our constituents and the American public to pay one more dollar of their hard-earned money to the Federal Government. We think it is better that they keep their money in their pockets than in Washington.

This resolution exposes the Clinton-Gore tax-and-fee package for what it really is, $116 billion in new fees and taxes. The President and Vice President propose 84 new spending programs.

So as maybe some of the American public have watched the nightly news, they may have said, how do they do it? I hear them talking about spending or taking down the debt and expanding the size of government. Well, what they are not hearing is the fact that in that proposal is $116 billion worth of new taxes to do that. That is the smoke and mirrors.

This package raises, for example, $12.8 billion on insurance products which Americans rely on to protect their families. Since I have gotten here, I fought hard to eliminate the death tax. This administration has proposed a stealth tax on our children, raising death taxes a whopping $3.8 billion.

At the time that the price of oil and gas have risen to historic heights, and now leveling off, though, the President submitted a budget which included $1.6 billion in new energy taxes.

Congress has made an effort to help our senior citizens by locking away their Social Security and protecting Medicare. Now this administration submits a budget raising Medicare premiums and other health care costs by $3.2 billion. This is what we are fighting to save them from.

Now, I could go on with many more specific examples. But, Mr. Speaker, I will not. There is something in this resolution for everyone to dislike.

I, for one, plan to demonstrate my opposition to this tax package and these fee increases; and I encourage all of my colleagues to join me in voting ''no'' to these fees and tax increases.

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

Mr. Speaker, this is a great honor for me to be a part of the Committee on Ways and Means and see that the Republican leadership is now sharing the tax writing authority with other members on their side.

This, I think, is good and healthy. That way, the chairman of the Committee on Ways and Means does not have the responsibility of having to explain this tomfoolery that we are dealing with on the floor today. Because it just seems to me that anybody on our committee that would be talking about the President's tax revenue raises would also be talking about the President's program.

Because I would welcome the opportunity to vote for a $100 billion tax increase over a 5-year period if I thought for one minute that the majority party was prepared to repair the Social Security system for our kids and our grandkids; if I thought there was just one scintilla of interest in having Medicare be held whole for those that follow up; if I thought this was the price that we would pay so that our senior citizens would have affordable prescription drugs; if I thought that this bill, which my colleagues just pulled out the cost and the pain, that this would be something to allow us to reduce our Federal debt and the interest on that debt; if I thought for one minute that the Committee on Ways and Means was asking people to pay this increase in taxes because we were going to invest in our education system so that all of our kids, from whatever community, will be exposed to the education and the training that will be necessary for this great Republic of ours to maintain our competitive edge in technology.

But I do not know who would do this on our economy to just find out the cost of government and pull that out and say, why do they not pay for the pain when the majority party is not even concerned about the security of our Social Security system.

Now, the reason I am not annoyed is because I know that they are not serious about this. And the reason I know it is because there are a series of so-called ''tax bills'' that would be reaching the floor. Far more exciting, I would think, and far more creative and, of course, far more irresponsible is the idea that they are going to sunset the whole Code and they will do this on the week that Americans have to pay their income taxes. And I would suspect that when they go to sunset the Internal Revenue Code that they will say at some point in time in the distant future they will substitute the Code with something else.

Well, back in Harlem they call that a pig in the poke, that they do not buy what you do not know. And certainly they have not demonstrated the leadership to give us any alternative.

I have been here on the Committee on Ways and Means. The chairman has no bill. The Speaker has no bill to substitute the Code. But we will pull it up by the roots and let America decide what we are going to do in the future.

I know that they have to have something to go back home to at the end of these 2 years that they have been down here in charge, and so it does not bother me that that is the reason why they are bringing this to the floor. But it should bother some of the people on the tax writing committee that have to explain this.

I mean, give the other fellows an opportunity to talk about taxes. But for those who have the responsibility to explain it, give us a break.

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

□ 1530

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

Mr. Speaker, first of all the gentleman from New York talks about the quote out of Harlem called a pig in a pork or something like that. Let us come back to America and talk about a quote in the fine print. That is in the fine print I say to the gentleman from New York. Those tax increases, they are in the fine print. Those 85 new Federal programs are in the fine print. It

is his administration that put it in the fine print. I would like to see him vote for that. Is that what he really supports? He really supports a tax increase for the people?

Mr. RANGEL. Mr. Speaker, does the gentleman want an answer?

Mr. MCINNIS. I control the floor, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman may proceed.

Mr. MCINNIS. I tell the gentleman, go ahead and stand up and vote for those 84 programs. Go ahead. But let us be frank with the American people. Let us not tuck it away in a stack of papers this high and stick a tax increase in there. Let us not go into this stack of papers and stick down there 84 new Federal programs and then under the guise of a great economy and under the guise of we are going to save Social Security for Americans, under the guise of all good words that sound hopeful, we are going to stick this tax increase in there. Forget the pig in the pork stuff. Let us talk about the fine print.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN) my colleague on the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I would say to my friend from New York who said he would be willing to vote for these $116 billion in new taxes and fees if he knew we could preserve Social Security and maintain and improve Medicare, I have good news for him. The Republicans are going to make good on our budget resolution that passed the floor and we are going to give him the opportunity to preserve Social Security and improve Medicare, including offering prescription drug coverage, without any tax increases. So I think we can do both. I think we can address the necessary problems, the problems that we face as a country as well as not adding to the already very high burden on the American people of the highest per capita tax that we have faced since World War II.

This resolution is great. It is straightforward. It just says, yes or no, do you support or not support the President's own budget proposal? It is interesting a Republican is offering it because I am going to have to vote no on it. I hope the gentleman from Nebraska and the gentleman from Colorado do not mind.

The reason I have to vote no on it and the reason they are going to vote no on it is that it increases taxes in a number of critical areas. One is Medicare premiums. It contains $3.2 billion in increased Medicare premiums. Again we have disagreements on where Medicare ought to go maybe, but I do not think we want to overburden people even further on the Medicare system and take away even more funding from Medicare by adding $3.2 billion in increased Medicare premiums. $1.5 billion in increased energy costs at a time we are all worried about rising gas prices. $3.5 billion in increased death taxes, $12.8 billion in increased costs and fees on insurance products, primarily these are products that would lead to savings. These are ways in which Americans save for their retirement.

At a time when all economists, right, left and center, agree we have a savings crisis in this country, let us not add $12.8 billion in increased costs and fees on savings. I think that does not make any sense at all. A report issued recently, just last month by the Employee Benefits Research Institute showed that personal savings have dropped by 50 percent in the last 5 years. This is a crisis. It is not something that we ought to tax, it is something we ought to encourage, which is more savings. I am pleased my colleagues will have an opportunity to vote on the Clinton/Gore budget today. I commend my colleagues from Colorado and Nebraska for raising it.

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

I was asking my friend from the Committee on Ways and Means to yield only because I wanted to respond to what I thought, what I did think were questions to me, and, that is, I was saying that this was a pig in the poke, p-o-k-e, and he was saying that this was reduced to writing, his proposals. It does not make it more accurate just because he has been able to reduce it to words. It is words that are irresponsible. We cannot talk about the President's increase in taxes without talking about a package of benefits that the President has in this package.

But I think the American people, all I can ask them to do is that if you are sincere in the resolution, vote for it, because I am convinced that what you have done is to create a resolution to embarrass the President that has taken all of the facts as relate to the benefit of his budget and stripped that off and just talked about the pain of operating government. Anybody that would vote for this standing alone would be very, very silly. But since the proponent has come from your side, how you intend to handle this, I do not know.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT) a senior member of the Committee on Ways and Means, a member of the Committee on the Budget and someone who truly understands how to be responsible about facing up to the problems facing our great country.

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

Mr. MCDERMOTT. Mr. Speaker, I am sitting back here wondering why this bill was out here just now, and I think I broke the code. In the House we try and pick an important day to bring something up. I remember we came out here on Valentine's Day and we passed the marriage tax penalty. I do not know where it is. It went off somewhere but everybody thought they got a valentine from the House of Representatives. Now today we have the Taxpayer Bill of Rights. We get that out here and everybody says, Oh, well, now, I've finally got some rights, right? Now we go over to the Committee on Ways and Means, and it must be tax time.

I cannot explain it any other way except over in the Committee on Ways and Means we are having a hearing about tearing up the Tax Code by the roots and imposing a 30 percent sales tax on everything. Just imagine you are going to buy a house and you are going to pay a 30 percent tax on it, or you are going to buy a car and you are going to pay a 30 percent tax on it. Or you are going to buy a shirt, and you are going to pay a 30 percent tax. That is what they are talking about over in the Committee on Ways and Means now. If the taxpayers had any sense at all, they would be over in the Committee on Ways and Means instead of hearing these silly bills about a Taxpayer's Bill of Rights.

This bill, the one we are on right now, is even more interesting. As the gentleman from New York has pointed out, you pass taxes to pay for something. The President put the ''something'' out there and said I am going to give you a prescription benefit for senior citizens, I am going to take care of the schools, I am going to take care of a whole lot of things and it will cost something. That is how you do it.

No, no, not my distinguished colleagues from the Committee on Ways and Means. They bring the money out here and say, Just vote for the money, just vote for the money, and then trust us, we'll spend it for you. I brought Mr. Bush's tax bill to the Committee on Ways and Means and said to them, this man is running nationwide saying if you elect me, I will give you $500 billion worth of tax cuts. And everybody on the committee has endorsed Mr. Bush. But none of them would vote for Mr. Bush's tax proposal when it was put before them. You have to wonder if this is not just some kind of electioneering rather than any substantive policy.

Bringing the President's bill out here, I consider it the highest form of flattery to be imitated. I put that bill in over in the Committee on Ways and Means a couple of weeks ago and everybody was all exercised when the headlines said, GOP in House Rejects Bush Tax Plan. They just were upset by that so they thought, Oh, I know what we'll do, we'll run out here with the President's taxes and throw it on the table. But it makes no sense. The President said what he would spend it for. We have not done anything about Medicare. We have not done anything about Medicaid. We have not done anything about Social Security. I think everybody is going to vote no on this.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. First of all the previous speaker talks about playing politics because of the fact that we bring out the tax increases that the Democrats want on the American people. I call it sunshine. Bring it

out. Get into that big stack of papers and let us reveal exactly what is happening on taxes. You can take a look at the other programs, but let us talk about 84 new Federal government programs, the creation of 84 new programs under this budget. It is tucked away in the fine print.

Let us talk about those tax increases. That is not something we call fair game. That ought to be the legitimate practice of representing the people of this Nation. Tell them what you are about to do to them in regards to tax increases. Tell them about the fact that many Members on your side of the aisle oppose the death tax or at least when people are talking to their constituents they oppose the death tax but when the administration sends a bill over here, it increases the death tax. It does not talk about keeping it the same. It does not reduce the death tax. It increases the death tax. I hope the gentleman gets some expert advice. Come up here, and I would be happy to go over those death tax increases with him.

Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank my colleague from Colorado for yielding me this time.

Mr. Speaker, I rise in strong opposition to this proposal, but I appreciate the courtesy of my colleagues for bringing this to the floor to really show the American people what is at work here. It is true there are two different philosophies and it is not a matter of breaking a code or, shoot, even listening to cellular telephone conversations, it is just simply a chance to lay out for the people what is clear.

Those on the left are committed to taking more of your hard-earned money to spend on more and more wasteful Washington programs. It is fine. It is a legitimate difference of opinion. But, Mr. Speaker, I would just ask my colleagues to focus on the teacher who visited me this morning with kids from the northern part of my district. I know it will shock the pundits and the spinmeisters who tell us people do not care about the money they send to the Federal Government, but not only the students but the teacher was very interested in taxation. The teacher shared with us the story that he and his spouse will have to write a check close to $600, a good portion of a paycheck for their salary, to the Federal Government this week begging the question, why do those who work hard and play by the rules always find themselves penalized?

Mr. Speaker, I rise in opposition to the President's multibillion-dollar tax increase. The simple fact that I understand the money belongs to the people, not to the Washington bureaucrats, and that for years there have been those denizens of the left who tell us again and again and again that families ought to sacrifice so that Washington can do more. Mr. Speaker, I think the opposite is true. I think that Washington bureaucrats ought to sacrifice so that families can have more.

Again not out of embarrassment but out of courtesy, since my friends on the left did not want to offer the current President of the United States a chance to have his tax increases debated, we brought this to the floor as a courtesy. They now have the opportunity to embrace the tax increases. Because, Mr. Speaker, the money has to come from somewhere, and it comes from the hardworking people like the teacher who visited with me this morning who works hard and plays by the rules and wonders where his money goes.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KLECZKA) a senior member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, let me thank the vice chairman of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), for giving me this time.

Mr. Speaker, I have been in Congress a couple of years now, and I fought like the devil to get on the Committee on Ways and Means because I wanted to be in a position so I could hopefully shape the tax laws of this country. The committee also deals with Social Security, trade policy, Medicare, but it seems that service on the committee is to be taken for granted today because bills like this just pop up out of nowhere. This bill was introduced yesterday. So for you folks who are watching this thinking that Members have public hearings on bills, read bills, that is nonsense. It was popped in yesterday, we have to come to the floor today to defend it or to argue against it.

As I speak today, the Committee on Ways and Means, the real committee, is meeting across the road here in the Longworth Office Building and before us is a proposal to incept a national sales tax, to pull the tax code out by its roots, throw it away in the garbage can and in lieu you folks will pay a 30 percent sales tax on every good and service that you need or purchase.

□ 1545

But instead of being there to listen to that weighty debate, we are here talking about a bill that just was popped before us yesterday; but it is not new, because it was before us last year.

One of my Republican colleagues indicated that this is the President's budget we are voting on. My friends, it is not the President's budget, so do not be led astray. What it is, and I will read the first paragraph, ''Expressing the sense of the House of Representatives that the tax and user fee increases proposed by the Clinton-Gore administration in their fiscal year 2001 budget should be adopted.'' So the author of the bill says these things should be adopted. So in a short while we are going to have a vote on this, and we are all going to vote no.

Remember when we were growing up there used to be this Shmoo balloon. We blew up the Shmoo and put it in a knot and put it in these little shoes, and the game was to hit the Shmoo, the Shmoo would fall on the ground and it would pop back up. These folks introduced this bill, and the only reason is they want to knock it down.

Well, one would seem to think that after the debate from our Republican colleagues that in here there is an increase for the income tax, an increase for the corporate tax. None of that. These are fees and user taxes for people who use various services. If the user uses the service, they should pay; and if you do not use it, you do not pay. Some are good, some are bad. Some I support; some I do not support.

All right, let me challenge my Republican colleagues to respond to some of these suggested changes in the tax law. Under the corporate tax provision, prevent serial liquidation of U.S. subsidies of foreign corporations. Foreign corporations. What is wrong with that? There is not a one of them who knows what the heck that does.

Another one, require cash method banks to accrue interest on short-term obligations. Sounds like fair tax policy. I bet the author of the bill does not even know what the heck that does.

Here is another one. Prohibit tax deferral on contributions of appreciated property to swap funds. Closing a tax loophole. What is wrong with that? How many of you guys and ladies are going to pay that? Zero. A tax loophole.

But we are asked here to say no to all of these, even though in the entire context of the budget they make some sense. But the President's budget is not here. This is a little silly game we are playing today, and I want everyone to stay tuned, because we have got a sillier one coming on Thursday, and that is to repeal the income tax code, effective year 2002, and replace it with, we have not thought of that yet.

So they are going to repeal the income tax and one day maybe the Committee on Ways and Means I serve on, maybe not, will come up with an alternative, an alternative. But that alternative is not here today.

This is shenanigans. Let us play the game.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members to address their comments to the Chair, and not to members of the audience and not to members outside this Chamber.

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

I just listened to this previous speaker. He talks about a silly game. Of course it does not mean much to him there is 82 new Federal programs coming in. Of course it does not mean much to him that the people of our country are going to have a tax increase. Why? He does not want the fine print of that Clinton-Gore budget discovered. It has been discovered.

I would caution my friend up here, he talks about why do this bill? Why are you bringing this up today? Well, you know what, it is an old adage: every action brings a reaction. This is the reaction. And what is it a reaction to? It is a reaction to the Democrats going out there and not just raising user fees, but raising death taxes; not just raising taxes, but creating new Federal programs.

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

Mr. MCINNIS. Mr. Speaker, I will not yield.

Mr. Speaker, I can assure all the Members on this side of the aisle, the Democrats on this side——

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

Mr. MCINNIS. Mr. Speaker, I have control of the floor. Would the gentleman recognize the courtesies of the House?

The SPEAKER pro tempore. The gentleman has indicated he will not yield.

The gentleman may proceed.

Mr. MCINNIS. Mr. Speaker, if the gentleman does not have a point of order, he is out of order; and he continues to be out of order in defiance of the Speaker's demands.

Mr. KLECZKA. Mr. Speaker, I am just standing here saying nothing.

The SPEAKER pro tempore. The gentleman from Colorado may proceed.

Mr. MCINNIS. So when you have a reaction, do you want to know why we are here today about these tax increases, about these 80 new Federal programs? It is because you guys recommended them, your administration, GORE, the Vice President, and President Clinton. They come up with these new programs, 80 new Federal programs. Of course we are going to have a reaction to that. Of course we are going to have a reaction to increasing the death taxes.

I wish my colleague could come out to Colorado and visit with some of these ranching families, including some of my own, that are about to get nailed on this death tax. And you guys want to increase it? Of course you are going to have that kind of reaction.

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

Mr. RANGEL. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, the question I was going to ask of my colleague from the Republican side of the aisle was in here is a provision to reinstate the Oil Spill Liability Trust Fund excise tax. Evidently he is for oil spills. We want to clean them up. There is one going on right now in Maryland.

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

Mr. Speaker, I hope I have not said anything to anger the Members on the other side. The only frustration that we feel is that it is very unusual for tax bills to come on the floor that are not sponsored by Members of the committee so that at least they could talk with us about them. It is even more unusual that the bill never would even come through the committee so that our staffs would have been attuned to understand better what the implications would be about the bill; and, of course, one has to be very suspicious when in the middle of the night a bill is introduced and it just reaches the floor on the Suspension Calendar.

Mr. Speaker, you cannot talk about hundreds of billions of dollars, or I guess some people can talk about hundreds of billions of dollars, without having it come before the committee; but we would like to believe that somewhere in here it makes some sense. Obviously, you have not really had enough time to make any sense out of this, because you are bringing up a bill and you are asking Democrats to vote for it, but the people who drafted the bill are asking Republicans to vote against it.

Now, I know people do not think much about the Congress, but this really confuses them. If you have a bill, at least you should be supporting it.

Those of us on the other side are saying this, that if the $100 billion we are talking about seems to be an excessive burden on the taxpayer, should you not in all fairness talk about what this is supposed to pay for? Are you not supposed to say what you have done is said to the President that I am prepared to ignore the Social Security System as it is, I am prepared to ignore the Medicare system, that I am not going to do anything about affordable drugs for the aged, that education is not on our agenda. So, Mr. President, when you talk about all of these things that you would like to see done, all we want to know is how much does it cost, and what we will do is extract these things, put them in a bill, bring it to the floor, and we will not vote for it, but we will ask Democrats to vote for it.

No, no, Mr. Speaker. This not only does not make sense, but I do not really think that it is sound legislative policy. If there is something that you want a vote for, be creative. But if you are going to bring legislation to the floor, and then when people pick up the newspapers tomorrow they find out that the Republicans brought this bill to the floor, House Resolution 467, but after they understood it, they voted against it, what can I tell you?

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

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

Mr. Speaker, I think it is very important. The gentleman from New York has brought up the question of why would you bring up a resolution that you are going to vote no on? Do you know why? Because you are not bringing up the tax increases. We want to be open to the American taxpayers. We think the American taxpayers ought not to have 82 new Federal programs tucked away in several thousand pages of a budget. We want to bring it up. You all put it in the budget. I want to see if you got enough guts to vote for it on the floor. There is nothing wrong with that.

I believe in sunshine. I want to remind you that the previous speakers talked about the sunshine and how we have to have more of an open process and not have these secrets. That is what we are doing.

Everybody that disagrees with something in that budget ought to have a discussion right here on the House floor. We ought to discuss on this House floor whether or not we want 80 new Federal programs. I do not think we do. Certainly on the Republican side we do not want 82 new Federal programs. We do not want another $116 billion in tax increases on the Republican side, and especially we do not want an increase in the death tax.

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

Mr. MCINNIS. Mr. Speaker, I will not yield to the gentleman.

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

Mr. MCINNIS. Mr. Speaker, this is the second time I told the gentleman I will not yield. I would appreciate the gentleman showing me the courtesy of controlling the floor and proceeding.

On our side of the aisle, take a look at our position on this death tax.

Mr. MCDERMOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Colorado has to yield for that purpose.

The gentleman may proceed.

Mr. MCINNIS. Mr. Speaker, on this side of the aisle, we take ardent opposition to the death tax; and we think in fact it should be expected, it should be a fiduciary duty of ours to bring it up on this House floor, to let people know what you are attempting to do with that death tax. The Clinton-Gore administration wants to increase the death taxes. That is hurting a lot of people out there. We ought to eliminate it.

What I would suggest to the gentleman is why do you not bring up a bill to eliminate the death tax and get everybody over here to support it. We could take away one of the greatest injustices in this tax system, and you can get the credit for it.

We need to have on this floor open exposure to what is happening; 82 new Federal programs. Of course we ought to have sunshine on it.

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

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

Mr. Speaker, if I understand the gentleman correctly, if I understand the gentleman from Colorado correctly, the reason he is bringing up this bill today and asking his colleagues on the Republican side to vote against it was so we could kill it. In other words, he does not want to put this tax burden on the American people. So the gentleman has this new creative way of killing legislation by having Republicans to

introduce the legislation, and then to kill it. That is his goal.

Well, let me share with the gentleman that your side has been killing legislation in a different way, and you have been very effective, and that is you just do not bring it up. The Social Security legislation, you have not brought up a bill; the Medicare legislation, you have not brought up a bill; giving affordable prescription drugs to the elderly people, you know how to kill that. You do not bring up a bill.

Since when in any legislative body, in any small community, in any county, in any city, in any State legislature, have we come up with such cockamamie idea that the way you kill legislation when you are in the majority is to introduce it? Now, you have got to take a deep breath. You kill legislation when you are in the leadership by introducing the legislation, and then you vote against it.

Now, I have to admit, since there has not been any positive legislation coming from your side in the last couple of years, that this keeps Members' voting records up. But can you imagine the precedent that you are setting, where with everything that you do not like, you introduce a bill and then tell people to vote against it? Talking about wasting taxpayers' money, this is really extreme.

□ 1600

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

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

First of all, the gentleman asked, and I think it is a legitimate question, why do we bring up this bill to kill it?

It is kind of like a tiger in the cage. We have a tax tiger in the cage. This tiger is proposing to raise taxes. This tiger is proposing to raise the death tax. This tiger is proposing 80 new Federal programs. Why not lure it out of the cage? Once we have it out of the cage, we have all kinds of people who will help to take that down.

The American people, they want social security earnings, that waiver that we put in as Republicans; they wanted the Republicans' reduction on capital gains, when we sell our personal property; but they do not want 82 new Federal programs. Republicans and Democrats across the country do not want 82 new Federal programs.

So of course we want to lure the tiger out of the cage, get it out of its safe haven, out in open territory where we have a fair fight going on.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

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

Mr. Speaker, it is interesting. I do not remember, when the Clinton-Gore administration has talked about their new budget, there is very seldom any publicity about the taxes and fees that are incorporated in this budget to pay for it. That is why I commend my colleague, the gentleman from Nebraska (Mr. TERRY), for introducing this bill, to show that not only do we bring it up and do not vote for it, but that very few in this House are willing to vote for the taxes and fees that have been proposed on the American people to pay for more giveaways from this administration.

Mr. Speaker, instead of raising the taxes and fees, we need to look at the terrible waste in the government. I will just give one example from the Employment and Training Administration, that receives $9 billion a year, more than three-fourths of the total discretionary Labor Department funds. But when asked by the Committee on Education and the Workforce for an accounting of these grants and contracts, the agency said the information was not available in single volume or in detail. In addition, they said it was too complicated to report every year.

Mr. Speaker, this is $9 billion in taxpayer money that is not accounted for. There are people in jail who have not been able to account for a lot less money than that.

We need to bring these taxes and fees to the public view, and we will see who votes on them and supports this part of the President's plan.

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

Mr. Speaker, I am glad the gentleman from Colorado explained the reasoning behind this, that the gentleman has something in the cage and he wants to kill it before it comes out of the cage. That has made more sense than anything I have heard on the floor today. The President's bill is in a cage, so the gentleman now takes the President's bill, takes it out of the cage, because he wants to kill it.

Mr. Speaker, well, now, that is creative legislation. I just would like to say that also in that cage is the social security system, the Medicare system, assistance to our aged for prescription drugs, the education system, the minimum wage system, systems for our national defense. All of these things are in that cage. I just hope that the gentleman does not kill it all.

It seems to me that the gentleman might do better in explaining, a more effective way than this tiger in the cage legislative process is by saying that we are not bringing up any positive legislation, so the gentleman just wants to take those things from the President's budget that might prove to be painful because they do not intend to provide the things that are good for this Republic, for this country, that can make this country proud.

We do not need Republican legislation and Democrat legislation, we do not need to be fighting each other over tigers in cages. What we have to do is pause, work together, and find out what is good for the Congress, but more importantly, what is good for the American people.

Mr. MCINNIS. Mr. Speaker, I yield the balance of my time to my colleague, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate the compliment from my colleague, the gentleman from New York, on my creativity, but I did feel the necessity to unlock that cage so the world could see this tiger. Because what my friends on the other side of the aisle were doing was putting a tarp over it so nobody could see that in this cage was $116 billion worth of new taxes and 84 new programs.

I thought we needed to shed some light on this, and nobody on their side of the aisle took the leadership to show the public this. So I will back up my talk with the walk, and we can vote on it today.

Mr. Speaker, I also heard that we were trying to embarrass the President. Frankly, I wish the teachers that were here today were listening to this and showing it to their civics classes, because today, Mr. Speaker, we saw the difference. We saw the difference between us. We saw how they will advocate for a tax increase of $116 billion to support their 84 more programs. That is taxing and spending, Mr. Speaker. That is the difference.

We are here saying that the way we help everybody in America is that we control the growth of government. In a time when we are dealing with trillion dollar surpluses, that is not a time to grow government for more taxes. Now is the time to start saying, how do we help the people that are overpaying taxes?

Yes, I would be embarrassed to introduce a budget that included $116 billion of new tax increases, several of which include taxation of our senior citizens in Medicare, the Medicare system, creating higher fees for nursing homes, for Medicare+Choice programs.

When we talk about the tigers that are in the cage, what we are talking about is bringing out the new and the healthier tigers, the ones that we on the Republican side have, the healthy social security tigers, the healthy Medicare. I urge all of my colleagues to vote no.

Mr. STEARNS. Mr. Speaker, when did President Clinton tell the American people that the era of big government was over?

You know, I really can't remember when he made that statement, and I'm willing to believe the President himself has forgotten. And I think it's obvious, with the $1.3 trillion in proposed spending along with $116 billion in tax and user fee increases included in the President's budget.

I think that in actuality the era of big government prior to the Clinton/Gore administration is indeed over. And that's because the Clinton/Gore administration brought in a new era of bigger government. I'm sure my colleagues will remember one of the largest tax increases in history. That was passed by a Democrat controlled House, a Democrat controlled Senate and signed into law by the Clinton/Gore administration. And each year, the administration continues to propose new taxes and user fee increases.

So we are here today to say stop! Stop spending money on wasteful federal programs. Stop increasing user fees and raising taxes on everyday Americans. The average two-income family tax burden is 39% of that family's income. We need to reduce the tax burden on Americans, not increase it.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and agree to the resolution, H. Res. 467.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those having voted in favor thereof, the rules——

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

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, on the voice vote, what was the Speaker's announcement?

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present having voted in favor thereof, the rules are suspended and the resolution is agreed to, and the gentleman from Nebraska (Mr. TERRY) asked for the yeas and nays.

Mr. RANGEL. The Chair is saying this bill passed?

The SPEAKER pro tempore. The Chair ruled that the motion was agreed to, and then yeas and nays were ordered.

Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on the motion will be postponed.

BUSINESS CHECKING MODERNIZATION ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4067) to repeal the prohibition on the payment of interest on demand deposits, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4067

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 ''Business Checking Modernization Act''.

SEC. 2. AMENDMENTS RELATING TO DEMAND DEPOSIT ACCOUNTS AT DEPOSITORY INSTITUTIONS.

(a) INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended by inserting at the end the following: ''Notwithstanding any other provision of this section, a member bank may permit the owner of any deposit, any account which is a deposit, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board may determine by rule or order), for any purpose, to a demand deposit account of the owner in the same institution. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account for purposes of this Act.''.

(2) HOME OWNERS' LOAN ACT.—

(A) IN GENERAL.—Section 5(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1464 (b)(1)) is amended by adding at the end the following new subparagraph:

''(G) TRANSFERS.—Notwithstanding any other provision of this paragraph, a Federal savings association may permit the owner of any deposit or share, any account which is a deposit or share, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order under section 19(i) to be permissible for member banks), for any purpose, to a demand deposit account of the owner in the same institution. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act) for purposes of the Federal Reserve Act.''.

(B) REPEAL.—Effective at the end of the 3-year period beginning on the date of the enactment of this Act, section 5(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1464 (b)(1)) is amended by striking subparagraph (G).

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end the following new paragraph:

''(3) TRANSFERS.—Notwithstanding any other provision of this subsection, an insured nonmember bank or insured State savings association may permit the owner of any deposit or share, any account which is a deposit or share, or any account on which interest or dividends are paid to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order under section 19(i) to be permissible for member banks), for any purpose, to a demand deposit account of the owner in the same institution. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act) for purposes of the Federal Reserve Act.''.

(b) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

''(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The 1st sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

''(g) [Repealed]''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect at the end of the 3-year period beginning on the date of the enactment of this Act.

SEC. 3. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2) of the Federal Reserve Act (12 U.S.C. 461(b)(2)) is amended—

(1) in clause (i), by striking ''the ratio of 3 per centum'' and inserting ''a ratio not greater than 3 percent''; and

(2) in clause (ii), by striking ''and not less than 8 per centum''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

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

Mr. LEACH. Mr. Speaker, under current law, there is a prohibition on the payment of interest on demand deposits, particularly as they affect business institutions. This prohibition has been in law since 1933.

What this bill does is offer and allow banks the right to make daily sweep adjustments and interest to be paid in these daily sweeps to business accounts, and then eventually, that is, at the end of 3 years, for the prohibition on the payment of demand interest to be fully removed.

In essence, this bill symbolically is the most pro-customer banking legislation in modern times. It is pro-small business, for it will allow for the first time small businesses, in small rural settings in particular, to be paid interest on their hard-earned extra funds or savings. It is pro-small bank because small banks are not in a position to use some of the sophisticated techniques of their larger bank competitors in this particular arena. It is pro-competition because it simply says the market should act freely without legislative intervention.

The market today is stilted. One reason banks in the savings business have been declining in size is because of legislative protectionism of this kind of nature. It is no accident that over the last 3½ decades or so, the banks' share of the saved dollars have been reduced from about two-thirds to one-quarter because Americans want to go to places they can get the greatest return on their investments, and they have found when there are legislative restraints, that they have incentives to move assets elsewhere, to money market mutual funds, to CMAs of securities firms.

The American business community deserves a better deal. As far as banks are concerned, we are finding finally the recognition that protectionism is counterproductive.

Let me say as strongly as I can that banking, just like any other business in America, if it is going to be sustaining, has to be concerned for the customer. Pro-customer institutions in America survive. Those that have restraints on dealing with the customer are placed in a more difficult position.

Mr. Speaker, what this bill in the final measure does is say that the free market will prevail, that the customers' concerns will be dominant, and

that it is no accident, again, that customers throughout the country, as symbolized by their associations in business and banking, have come to support this legislation. It has been a long time in coming, but I am convinced it is the right thing to do.

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

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

Mr. Speaker, I rise in support of H.R. 4067, the Business Checking Modernization Act. I, too, would like to associate myself with all of the remarks of the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Committee on Banking and Financial Services.

As a result of our bipartisan work on this and other legislation, today we are able to take another step in the modernization of our financial services industry. The ban on interest-bearing checking accounts was adopted in the Great Depression out of fear that banks seeking business accounts would bid against each other with higher interest rates and thus contribute to bank insolvencies.

In the 1980s, Congress recognized these concerns had faded and removed the legislative prohibition against paying interest on the checking accounts of individuals. Of course, Congress was responding to market forces, too, and the tremendous disintermediation that had taken place.

Today we complete that work by permitting the payment of interest on business demand deposits. This is something we should have done years ago. We do it today.

The current law and market conditions prevent many small businesses from obtaining easy access to interest-bearing checking accounts. For this reason, the repeal of the ban on interest-bearing business checking accounts is strongly supported by the business community. A yes vote for H.R. 4067 promotes healthy competition within the financial services community for commercial checking accounts, which can only benefit the business community, particularly the small business community, with more efficient, cost-effective financial services.

Mr. Speaker, I yield the balance of my time, to control the time, to the gentlewoman from Oregon (Ms. HOOLEY).

The SPEAKER pro tempore. Without objection, the gentlewoman from Oregon (Ms. HOOLEY) will control the time of the gentleman from New York (Mr. LAFALCE.)

There was no objection.

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

Mr. Speaker, let me first express my enormous gratitude to the gentleman from New York (Mr. LAFALCE) for his tremendous cooperation on this issue, as well as the minority party in general.

But then I would like to note that this is a bill that has been the bedrock concern of one Member of the United States Congress and that is the gentleman from Washington (Mr. METCALF), who is retiring at the end of the year. If there is a bill and sponsor which have been identified together more, I do not know what it is in the Congress.

Mr. Speaker, I express to the gentleman from Washington (Mr. METCALF) particular appreciation and gratitude for his thoughtfulness on this piece of legislation, but also for his enormous thoughtfulness on the committee on which he serves. I am very grateful for his leadership and friendship.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. METCALF).

□ 1615

Mr. METCALF. Mr. Speaker, I would like to express my appreciation of the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE), the ranking member, for their strong support of repealing an archaic Great Depression era statute preventing banks from offering interest on business checking accounts.

I am pleased to say that H.R. 4067 enjoys bipartisan support and was passed by the full Committee on Banking and Financial Services by voice vote.

The current prohibition against banks offering interest-bearing business checking accounts makes no sense. Allow me to highlight what a couple of banks have said to me about this issue.

A banker from North Carolina said repeal would save maintaining a separate sweep money market account and expenses related to tracking the number of sweeps per month to ensure compliance.

A banker from Texas said, small businesses have a right to earn interest on their money and national and State banks should have a right to offer this service.

A banker from Wisconsin said that they use a sweep account to pay interest but that repealing the prohibition would make their job easier and more competitive.

A banker from Nebraska summed up his views even more succinctly about abolishing this statute. The sooner the better.

We should vote today to remove this unnecessary regulation and allow banks the opportunity to better address business concerns of their local communities without having to undergo costly, cumbersome procedures.

Federal Reserve Chairman Alan Greenspan has written in support of repealing this prohibition against paying interest on business checking accounts.

The legislation also enjoys broad-based support among others: The U.S. Chamber of Commerce; the world's largest business federation, the National Federation of Independent Businesses, which represents over 600,000 small and independent businesses; America's Community Bankers; the American Banking Association; and the Association for Financial Professionals which represents over 10,000 cash management professionals within the corporate sector.

Let us pass this bill today and move forward to help our financial institutions be more competitive in the marketplace and free small business from outdated regulations.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. LAFALCE), the ranking member, and the gentleman from Iowa (Chairman LEACH), as well as the gentleman from Washington (Mr. METCALF), for their leadership in bringing to the floor today H.R. 4067, the Business Checking Modernization Act.

This bill is very simple. It allows businesses to earn interest on their checking accounts.

The ban on paying interest on commercial accounts was adopted during the Depression for policy reasons that are no longer relevant today. The banking regulators all agree that this legislation is overdue.

This legislation will promote healthy competition within the financial services community for commercial checking accounts, which will benefit all businesses, especially small businesses who will now be able to earn interest on the business checking accounts.

Currently, business customers are able to earn interest on their bank checking accounts only by placing their funds in banks that are able to offer sweep accounts. So this is really good for big businesses and big banks where they can afford to offer these sweep accounts.

Other businesses use securities firms that offer liberal check writing services or ATM access or similar services through interest-paying transaction accounts.

This compromise legislation appropriately provides a 3-year transition period so that financial institutions that offer sweep accounts or other concessions in lieu of interest can make necessary changes in their pricing to accommodate the repeal of this prohibition.

Finally, during this transition period, all insured depository institutions will be able to offer interest through a 24-transfer per month, money market accounts.

Again, this is a very simple bill, long overdue, that allows businesses to earn interest on their checking accounts with a 3-year period for implementation.

Because the bill opens up competition in the business checking market in a fair and equitable manner, I urge my colleagues to support its adoption.

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

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

Mr. Speaker, let me just say that historically what occurred is that Congress disadvantaged America's business community to protect its banks. Then as time went on, it became clear that the effect was that Congress disadvantaged its banking community in favor of banking competitors. What this legislation amounts to is a free market return to basic American competitive values. It is a congressional ''mea culpa'' to America's business and banking community. It is good for the country, good for the financial system and good for the precept of a free and unfettered market that this country stands for, and I urge its adoption.

Mrs. KELLY. Mr. Speaker, I rise today in support of the legislation before us. Today in the financial services sector the laws, rules and regulations of the 1930's have little to do with safety and soundness of today's banks. Before us we have legislation to bring some of the laws pertaining to commercial checking accounts into the 21st Century. While I do not consider this package perfect, it does constitute a reasonable middle ground to banks and industry which much be preserved as this legislation moves forward.

This legislation contains a three year transition period that gives banks the ability to sit down with their business customers and decide how their accounts are best served. We must note that while banks have been prohibited from paying interest to their commercial accounts, they have been offering other services to attract their accounts. This three year transition period must be preserved.

In this transition period we give banks the ability to expand their current sweep activities. Sweeps are a way that banks can currently pay interest on commercial accounts by moving a portion or all of the money out of the account into an interest investment, like treasury bills, which is then redeposited in the checking account at a specified time with interest. Currently, banks are only allowed to do this six times a month. This legislation increases this to 24 times a month so an account could be swept every night giving those with smaller balances the ability to participate in these activities.

One of the issues that has troubled me about this legislation is the new cost it will impose upon banks, particularly small banks. This is not the first time a bill with these provisions has come before the House, but in the past the cost of this legislation was at least in part addressed. Last year Laurence Meyer from the Board of Governors of the Federal Reserve System came before the Banking Committee and stated in this testimony that quote—The higher costs to banks would be partially offset by the interest on reserve balances—end quote. The problem arises because the initiative that allowed Federal Reserve Banks to pay interest on reserve balances is not included in this bill now before us.

I have introduced legislation with the sponsor of this bill [Mr. METCALF] and the Gentleman from Connecticut [Mr. MALONEY] to address this problem. The chairman of the Banking Committee has been supportive of this effort by scheduling a hearing on this issue in the near future. I hope that if this bill is conferenced with a Senate bill that contains the authority to allow Federal Reserve Banks to pay interest on reserves we could accept those provisions. If not, I fear that the cost of this legislation will simply be passed onto the commercial customers through higher loan rates. Without the Federal Reserve Bank interest authority the benefits of this legislation could be lost.

I urge my colleagues to join me in support of this bill.

Mr. VENTO. Mr. Speaker, I rise in support of this bill, H.R. 4067, which was reported out of the Banking and Financial Services Committee on a bipartisan basis. This bill will repeal a curious prohibition on banks and thrifts paying interest on business checking accounts. It will help community banks and countless small businesses currently not able to offer or compete for ''sweep'' accounts that move money out of non-interest earning accounts into other accounts that will earn interest for corporate customers. During the transition period, a new daily sweep—or 24-hour transaction per month allowance—would be an option.

Although there is a small rift within and among the various financial institutions, on the main, the repeal of the prohibition is a shared goal. The bill is broadly supported by small businesses. Not surprisingly, a National Federation of Independent Business membership survey shows that 86 percent of small business owners support this repeal that would allow their checking accounts to earn interest. H.R. 4067 does not mandate the payment of interest. It merely removes the last vestiges of controls on bank accounts that arose during the Great Depression. In so doing, the bill will make possible more competition and hopefully better service to business customers.

Although an immediate repeal would be sensible, there are some entities that have developed the programs and systems to limit the effect of the existing prohibition and that would prefer a ''phase in'' of the commercial interest repeal. The Committee found that three years from the date of enactment was a good compromise from the starting point of one year and those seeking a six-year sunset period. I am uncomfortable with any further extension of the delay in allowing interest on business checking accounts, a sound public policy change that should really be effective as soon as possible. Three years is long enough time in this Internet e-world. Six years is just too long.

I am pleased that what we have before this House today is not a negative bill. It is a straightforward bill that does not adversely affect customers or undercut our laws that protect safety and soundness of our financial institutions.

Mr. Speaker, I do need to take this opportunity to suggest, however, that here we are again ''modernizing'' another banking law. This one to help community bankers and small businesses. Yet there is so much consumer protection in financial services that has yet to even receive a hearing, let alone action. We need a consumer financial modernization act that will modernize Truth in Lending limits, high cost mortgage protections, and vital consumer law updates. To just stand still is to lose ground in today's dynamic marketplace and consumers are losing ground. It is well past the time that this Congress should act upon some of the positive, proactive proposals introduced by many of our Colleagues so that these measures might be enacted into law. Sound consumer relief and modernization is needed and should be the order of the day.

I do have reservation about a provision of the bill added in the Committee markup. This provision changes the reserve requirement in the Federal Reserve Act for transaction accounts to give the Federal Reserve the discretion to lower reserve ratios to as little as nothing because the minimum statutory ratios for reserve requirements. Although the Federal Reserve has not argued against this provision, they have stated that this is authority they would not use. However, its addition would certainly shift the field of lobbying solely to the Federal Reserve for the purpose of lowering bank reserves. The Board should use extreme caution in exercising this new flexibility being conveyed in this bill especially if the policy is to reduce the reserves to ''zero.''

The inherent stability of the banking system and the implementation of monetary policy dictate that a minimal level of reserves is appropriate. Although their role may have waned somewhat, lower reserve levels could lead to increased volatility in the federal funds interest rate, which in turn could harm institutions attempting to manage their clearing and reserves needs. Further, as I stated in the markup of the bill, consultation with the Congress on any adjustment to reserve requirements would be a prudent course of action by the Federal Reserve.

I ask my colleagues to join me in supporting this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4067, the Business Checking Modernization Act. This critically needed legislation would lift the sixty-five year prohibition against banks paying interest on business checking accounts.

Present law restricts the ability of the banking industry to provide interest-bearing checking accounts for businesses. H.R. 4067 would repeal this Depression-ear ban on such accounts by allowing banks to competitively price their products and services in an open market to business customers. Additionally, this legislation offers an important opportunity for small business owners to establish a more complete relationship with their financial service provider.

I applaud Chairman LEACH and Representative METCALF who when crafting this vital piece of legislation recognized that a transition time period is necessary to allow banks to implement these sweeping changes that would alter the long-standing way banks have been conducting their relationships with business customers. Because of the prohibition against paying interest on corporate demand deposits, many banks have structured their relationship with business customers to take this into account by providing additional services, such as handling payroll accounts, or establishing lower loan rates for these customers. A substantial transition period is needed to allow for the conclusion of these existing relationships and provides banks an opportunity to enter into new relationships with their business customers that are priced to reflect the change in law. I strongly support a reasonable transition period to allow banks to adapt to these new banking practices. Should this bill go to conference, I believe that it would be detrimental to the banking industry to agree to any shorter transition period than that provided in H.R. 4067.

While I do strongly support the positive changes this bill will bring to the banking industry, I do have one concern that this bill failed to address. Several banks in my district have expressed their alarm that the shift towards a direct interest payment on business checking accounts will impose new burdensome costs on banks because of the interest payments themselves and the cost of establishing these new types of accounts. In 1998, when we passed legislation similar to H.R. 4067, we provided banks with an offset for these expenses. In this previous bill the Federal Reserve would have paid interest on required and excess reserves that depository institutions maintain as balances at Federal Reserve Banks. The Federal Reserve has testified in support of paying interest on these ''sterile reserves'' because it could induce banks to increase their reserve balances.

I am encouraged by Chairman LEACH's promise to further explore this option by holding a Banking Committee hearing on this issue on May 5, 2000. I believe that the hearing will reveal a strong need by the banking industry to ease the cost-burdens associated with this bill and the Federal Reserve's willingness to collaborate on this matter. It is my hope that the Chairman will support allowing for the payment of interest on sterile reserves, as provided for in related legislation in the Senate, should this bill go to conference.

I applaud Chairman LEACH and Representative METCALF for their hard work on this initiative to increase fair competition in the marketplace and economic efficiency in banking practices. It is my hope that we can continue to work towards perfecting this bill at conference in the near future. I urge all my colleagues to vote in support of the Business Checking Modernization Act.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 4067, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4163, by the yeas and nays; and

H. Res. 467, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

TAXPAYER BILL OF RIGHTS 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4163, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4163, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 116]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Calvert
Cook
DeGette
Dingell
John
McIntosh
Miller, George
Myrick
Rodriguez
Young (AK)

□ 1644

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CALVERT. Mr. Speaker, on rollcall No. 116 I was inadvertently detained. Had I been present, I would have voted ''yes.''

SENSE OF CONGRESS ON CLINTON/GORE TAX HIKES

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 467.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. MCINNIS) that the House suspend the rules and agree to the resolution, H.Res. 467, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 1, nays 420, answered ''present'' 2, not voting 11, as follows:

[Roll No. 117]

YEAS—1

Matsui

NAYS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—2

Blumenauer
Larson

NOT VOTING—11

Cook
DeGette
Dingell
Ford
John
McIntosh
Miller, George
Myrick
Rodriguez
Rogers
Young (AK)

□ 1652

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

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1830

PERSONAL EXPLANATION

Mr. JOHN. Mr. Speaker, on rollcall number 116 and also 117 I was unavoidably detained and was absent for those two votes. Had I been present I would have voted ''yea'' on 116 and ''nay'' on 117.

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

Mr. CONYERS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. CONYERS moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 1501, be instructed to insist that the committee of conference meet and report a committee substitute that includes both:

(1) Measures that aid in the effective enforcement of gun safety laws with the scope of conference and

(2) Common-sense gun safety measures that prevent felons, fugitives and stalkers from obtaining firearms and children from getting access to guns within the scope of conference.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) will each be recognized for 30 minutes.

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

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

My colleagues, I am delighted to bring this motion to instruct conferees on the part of the House to insist that the committee of conference meet and report a committee substitute.

This motion to instruct suggests to our committee of conference members that we include both measures that aid in enforcement of gun safety and also include common sense gun safety measures that prevent felons, fugitives and stalkers from obtaining firearms and children from getting access to guns within the scope of the conference, and that the conference meet immediately.

I am joined on this motion by the gentlewoman from Indiana (Ms. CARSON), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from California (Ms. MILLENDER-MCDONALD), and the gentlewoman from New York (Mrs. MCCARTHY). What we are trying to do is to make it clear that this Congress and our instructions include that we meet immediately on our conference and report both sensible gun violence and gun enforcement provisions. We can and should do both.

The President of the United States has been trying to get our conference moving and, hopefully, this motion to instruct will accomplish that very important objective. Remember, the truth is that enforcement of gun laws is up under the Clinton administration. Gun prosecutions are up 22 percent in the Clinton years, the number of people behind bars for violent crimes with guns is considerably up, and violent gun crimes are down by 35 percent.

No President has ever had a more successful record in driving down violent crime than President Clinton, but we should do more and we want to do more. And so the only way that that

can happen is that my distinguished colleague, the chairman of the committee, urge that we meet in conference and get the gun violence and the gun enforcement and the juvenile justice matters resolved, and get something on the floor and get a law on the books, or additional laws, as soon as possible.

□ 1700

This motion says that we can do better. So if we want to separate ourselves from the extremities, from the inaction, if we want to associate ourselves with the clear sentiment of the vast majority of Americans, this is our opportunity to do so.

This motion tells the chairman of the conference to stop not meeting, to stop hiding behind process, and to get to work with a conference meeting that deals with both existing loopholes in gun laws and with stronger enforcement by closing loopholes that exist.

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

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

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

Mr. HYDE. Mr. Speaker, I say to my good friend, the gentleman from Michigan (Mr. CONYERS), that I am with him a hundred percent on this resolution. We are going to support it. It asks for what we think ought to happen. We ought to have a meeting. We ought to discuss these things. We ought to settle them.

I would point out parenthetically that paragraph number 2, ''common sense gun safety measure that prevent felons, fugitives and stalkers from obtaining firearms and children from getting access to guns,'' is already the law.

The Brady bill, the Brady Law, Title 18, section 922(g), already prohibits fugitives, stalkers, and felons from buying or possessing a gun. And children already cannot buy handguns. I am proposing in my offer a ban on assault weapons being available to youngsters.

Now, I have been proposing a gun control bill for many, many months. Last November 4, I sent a copy of it to the gentleman from Missouri (Mr. GEPHARDT), and we have been talking about it on and off for, lo, these many months.

The proposal that I have offered accepts the trigger lock requirement, in fact, as a stand-alone bill, it passed 311–115; a juvenile Brady that says, if a juvenile commits a disqualifying crime, they will never be eligible for a gun. That passed 395–27. We passed a ban on these large ammunition clips, 10 cartridges or more. That passed by voice vote. And then we had a prohibition on juveniles from possessing assault weapons, which I mentioned earlier. That passed 254–69.

So we have already passed these things. We could have the makings of a decent gun bill. There is one sticking point and that is the so-called ''gun show loophole.''

Now, we are confronted with two versions of a solution to the gun show loophole. We have the solution of the gentleman from Michigan (Mr. DINGELL) out here, which is, in my humble opinion, unacceptable because it limits the instant check time to one day.

Now, we can get 95 percent of the applicants in one day. But there is 5 percent that require three business days. They are not easily cleared up. They are not easily answered. And those are the difficult ones. Those are the ones that may have criminal records. Those may be the people we do not want to get a gun. And, therefore, we need three business days. The gentleman from Michigan (Mr. DINGELL) does not allow that, so I cannot accept that.

Now, over here we have the other Democrat gun show provision, and that is by the great Senator from New Jersey, Senator LAUTENBERG. Well, his bill literally defines gun shows out of existence. He has the three business days. That is fine. But he also requires such burdensome provisions on people who are conducting a gun show that it is just unsupportable. It is too much the other way.

I propose meeting in the middle, a compromise, that requires every gun sold at a gun show to have an instant check, the purchaser, that requires three business days for the 5 percent that we have trouble getting the instant check on, and creating a class of instant-check registrars who are not licensed gun dealers but, nonetheless, are certified to be able to provide the instant check so the volume can be dealt with.

Now, that is a solution that meets the gun show loophole. It tightens that existing law, gives us the trigger locks, gives us a ban on the large ammunition clips, gives us a juvenile Brady, keeps assault weapons from the children.

What are we waiting for? Nobody will talk to me.

The gentleman from Michigan (Mr. CONYERS) has written me a letter saying he will not negotiate with me unless and until the Senator calls a meeting of the conferees. Let us confront him with an accomplished fact, a fait accompli. Let us say, here is our proposal.

Now, all I need is three Democrats to join and we will have a proposal that they cannot ignore. What do they say? An offer they cannot refuse. Join me and ask the President to help. Give me just three signatures and we are off to the races.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman because I think we have created a way to get there. The 1-day check with the 95 percent that will clear in one day, plus the escape hatch for those who may take longer, two more days.

And so, when the gentleman asks, what we are waiting for, I want him to know I am not waiting for anything. I think that is an excellent way to resolve the matter. I only wish this were the conference committee itself. But I would urge that we both join in together in urging our dear chairman of the committee, based upon this, that we send him a letter telling him what we are agreeing to on the floor if he is not looking at it at this moment.

Mr. HYDE. Mr. Speaker, reclaiming my time, I think that is a great idea. I say to my friend, I will join him in the letter or he can join me. But I suggest that he and I finish our job over here and confront the distinguished Members of the other body, as we refer to them deferentially, with an accomplished fact, our gun bill; and I think they will take it, and then we will have put this honorably to rest.

Mr. CONYERS. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman very much. I am also very grateful for his support of the motion to instruct the conferees.

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

Mr. CONYERS. Mr. Speaker, I am now pleased to yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the distinguished gentleman from Michigan (Mr. CONYERS) for yielding me the time.

Mr. Speaker, I rise today in support of his motion to instruct conferees. I am joined by the honorable gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This motion to instruct, Mr. Speaker, promotes the enforcement of existing gun safety laws and advocates for common sense gun safety measures that protect children.

Just today, Mr. Speaker, in my clips that I receive from my Indianapolis office, in Fort Wayne, Indiana, an 8-year-old boy is lucky to be alive after his 12-year-old brother accidentally shot him while playing with a gun.

In Franklin, Indiana, Mr. Speaker, a boy charged in the fatal shooting of his cousin has been moved to a private residential treatment center in Pennsylvania. The boy was charged with criminal recklessness for tampering with his father's illegal gun when he fired it, killing 7-year-old Curtis Smith.

Mr. Speaker, I have been intrigued by the colloquy that has occurred between the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) and believe that what I heard is that the gentleman from Illinois (Mr. HYDE) is willing to support the gentleman from Michigan (Mr. CONYERS) and others in their motion to instruct the conferees. I am very excited about that. I think it is a time that is long overdue, and I applaud the two gentlemen for their agreement on moving forward with sensible gun legislation in the way that they have described.

Mr. Speaker, I rise today in strong support of the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

This motion to instruct promotes the enforcement of existing gun safety laws and advocates for common-sense gun safety measures that protect children.

I am outraged that once again we are standing here talking about gun violence and yet Congress has failed to act and protect our children.

Over three weeks ago, the House went on record in support of the juvenile justice conference committee holding a meeting within two weeks. As of today, that deadline goes ignored.

We are now standing here again to ask the conferees to move forward and take action.

What are we waiting for? How many more children have to die? This Congressional do-nothing approach on gun violence shows Americans that the NRA lobby is more important than our children.

We have all too often witnessed the devastating effect that gun violence has on our children. Nearly 12 children die each day from gunfire in America, approximately one every two hours. That is the equivalent of a classroom of children every two days.

Next week is the anniversary of Columbine and we still have not passed strong common-sense gun legislation. We have seen a six-year-old shoot and kill his classmate and yet we have failed to provide preventative measures to protect our children.

Recently, I spoke with children from an elementary school within my district (the 10th district of Indiana) about gun violence. I asked the children how many had guns in their homes. About half raised their hands. I asked how many knew where these guns were in their homes. Most of them knew where to find the guns.

The answers to these questions show the scary reality that children face in this country.

I call on the Republican leadership to join together with Democrats in order to promote passage of sensible gun legislation that closes the gun show loophole, requires registration and licensing for all gun owners, and provides child-safety devices on handguns.

We, as Members of Congress, have the great privilege of establishing laws that promote the well-being of Americans, but with that privilege comes great responsibility to do what is right and what is ethical—and that is, supporting strong gun safety legislation and protecting our children.

Please, stand up for our children and support the motion to instruct.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM).

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

Mr. Speaker, I think that every one of us here today wants to support this resolution because, on its face, I cannot imagine anybody who is not for effective enforcement of gun safety laws or common sense gun safety measures. That is certainly where I am, and that is where I have been all along on these matters.

I thought the chairman of the committee expressed it very well a few minutes ago that we come to a point now in the debate over what is going on with the juvenile crime bill in discussing the gun issues where common sense ought to prevail. And common sense is very straight forward.

I know because I have been down that road and presented something pretty close to what the chairman has proposed that I am in agreement on now to try to compromise this matter, and we never got a vote on it on the floor. Instead, we had the two opposite ends arguing their motions and their amendments, and they had votes on those and not on the underlying proposition.

The reality is that when they go to a gun show to get their gun and want to buy it, there are certain dealers there and there are certain people who are not and they go to buy and they get an instant check in a matter of just a few minutes, if we have a provision which all of us agree on where an unlicensed person goes to the gun dealer who is the president of the gun show and asks that it be checked.

The problem with it is that about half the States have records that show if they have been arrested for a felony, whether they were convicted or it was dismissed or whether a plea bargain occurred, or whatever; and in those cases the check that they are doing will not show up the answer to that. So if their name goes in, bang, they find that out in a matter of just a few minutes. But in that tiny fraction of those whose names appear from the other 25 States that do not have the disposition results, they just are going to show that they were arrested for a felony, they might or might not be qualified and until the courthouse opens on Monday morning we are not going to know.

And it is only reasonable that we conform the check time for those few people who have their names appear to the current three business-day wait to do the check. And I think that is the right solution. That is the common sense solution.

The problem also, though, is that effective enforcement of gun safety is not what this administration has been doing on other levels; and I am really concerned about that. That is why we had Project Exile out here today in part.

The fact of the matter is that we are talking about the fact that many laws have not been enforced that are on the books. There are some 20,000 of them out there across the country. What I think is great about the bill we passed earlier today called Project Exile is that it provides a grant amount of money to the States and says to those States, for all their criminal justice needs if they want it, they can have this money, this $100 million over 5 years that is available, if they will simply agree to do what Virginia has done; and that is to provide that for those who are found to be in the possession of a handgun, carrying it during the course of the commission of a violent crime or drug trafficking offence or using it in that case, there is going to be a tack-on minimum mandatory 5-year sentence without the right to parole in addition to the underlying sentence.

They get an additional tack-on of 5 years minimum mandatory sentence if they are found to have the gun in their possession during the commission of those crimes. And if the State does not have that law, it can still qualify to get the grant money if it would agree to provide an understanding with the U.S. attorney in the area or the attorney general for the whole State to prosecute with this agreement those who are convicted felons in the State who are found in simple possession of a gun, whether they are in the commission of a crime or not. Because under the existing Federal law, there is a minimum mandatory sentence for 5 years there, too.

Why is this important? This is important because it is truly an effective gun measure. It provides deterrents that say, we are not going to stand for anybody using a gun in the commission of a crime; and if they commit a crime and the States adopt these rules, and most of the crimes in the States are in the States, not in the Federal system, then they are going to go away for a long period of time. And we have avoidable tragedies that are going to finally be avoidable.

They are avoidable in the sense that if they have people out on the streets who have been locked up before who have committed these violent crimes and go back out again, they are there to commit crimes again. And most of the violent crime with guns in this country, unfortunately, are committed by those who have been in prison previously.

So those tragedies are avoidable if the States will come forward and enact what Virginia has done in Project Exile and what we have encouraged in this bill we have passed earlier today, and that is a minimum mandatory 5-year sentence on top of what other crime they have if they committed it with a gun. And in addition, of course, we have the deterrent message that is involved in it. That is the kind of enforcement we need.

We are here today, though, talking about in this motion to instruct getting together on another bill. And I am all for doing it. I am for the safety locks, and I am for trying to have a small capacity involved in this with fewer clips; and I am for a lot of other things that are in that bill.

The sticking point in the gun shows can be resolved. It should be resolved. Common sense, which is the other part of this resolution, says it should be. I am for common sense. Let us adopt this motion to instruct and get it done.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I have to say, since last August, we have certainly been trying to

meet and come up with some agreement. But this is spring, and spring is always the rebirth and the rethinking and the replanting and the regrowing. So maybe because we finally are seeing the American people and maybe because the Million Moms March is coming up on Mother's Day we are getting a lot of pressure to get actually something done because the American people want something done.

□ 1715

Certainly this side of the aisle is more than willing to work and hopefully we can get a bill done because I have always said, it does not matter whether you are Republican or Democrat, we should be protecting our children and our citizens. We certainly do support the Senate-backed gun safety provisions. They included closing the gun show loophole, banning high capacity ammunition clips, and requiring child safety locks on all new guns. To me those are all common sense.

Today obviously we have seen the President, he has been right next door in Maryland signing legislation that requires child safety locks in that State. New York State, we have got Governor Pataki putting forth his initiatives on gun violence in this country. We are seeing it with all our governors. I am very happy to see that the NRA has decided to work with us and say, well, maybe we should be doing something here today. I am very happy to work with the NRA. We always have been. Certainly I am sure they will be sitting with us when we come up to the conferees.

The gentleman from Michigan (Mr. CONYERS) and I, we agree on something else. Today we passed and voted on the gentleman from Florida's bill, but I happen to think that Enforce, which is a bill that the gentleman from Michigan and I are there with, would add more resources to trying to stop the gun violence in this country, and the only way we are going to be able to do that, if we give our police, our ATF, and our local prosecutors and Federal prosecutors the backup that they need.

I hope while we are all in this good mood right before we go back on vacation that we can get all this done. I would be absolutely thrilled. Actually you might see me smile for the first time in a number of years. But all kidding aside, I am happy that we have come to this point. I am happy we have come to this point and I am happy that we are actually talking, because since August we have lost too many children on a daily basis, we have lost too many citizens on a daily basis, and we do not even have a count on how many are injured and have survived.

So anything that we can do to move this forward, to show the American people that we do care, because I have to tell you, the American people are starting to have a lot of second thoughts about the sanity that was inside this building. If we could all come together and work together to have a meaningful bill passed, with this motion I certainly support it and thank everybody for getting us to this point.

Mr. HYDE. Mr. Speaker, I want to congratulate the gentlewoman from New York (Mrs. MCCARTHY). She is certainly sincere. I just am concerned that expectations are so high that passing this sort of legislation is somehow going to fill the hearts and the souls of our young people that now somehow are empty and consumed with violence with sweetness and light. There is much more to the problem of the culture that encourages antisocial conduct, much more profound than simply restricting the availability of the weapons that cause all the problems.

I do not mean to demean the fact that we need legislation to narrow the access to these weapons of destruction, but to think that that is going to solve the problem I think misses the mark. There were some 17 Federal laws and some 14 State laws that were violated at Columbine. Adding more laws, I still think it is worth the effort, I do not denigrate that. It is worth the effort. We have to keep the focus on these things. But let us not end our quest for a solution to the wanton destruction of life, especially among our young people thinking if we remove the instruments of death somehow we will remove the incentives for treating life as a thing and as a throwaway item.

As I have said before, and I welcome this opportunity to say it again, we have a bill, we want your support, we have had it for many months, and the only contentious part is the gun show part, and the gun show part that we propose is a middle ground between the Dingell amendment and the Lautenberg amendment. Let us get on this and let us confront the Senate with it, which is another galaxy as we all know, but let us confront them with it and say, Here it is, we need your support.

If we can do that, as I say, the problem, the immediate problem of getting a decent, common sense response to the high school killings can be solved. I believe we can do it. I hate to be cynical. I hate to think that some people want the issue and not a bill, not a solution. I do not believe that. I refuse to believe that. I will not believe that. But right now we need cooperation and consultation. Let us put politics aside and let us agree that we have a plan and it is going to work.

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

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to thank the gentleman, the chairman of the committee for his remarks, and also to thank him for joining in the letter that we are sending to the chairman of the conference committee, ORRIN HATCH.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) who has worked on gun safety for a couple of Congresses now.

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank the ranking member of the Committee on the Judiciary the gentleman from Michigan (Mr. CONYERS) for offering this motion, bringing us back to this point where we can engage in, hopefully, dialogue in conference. I would like to thank the gentleman from Illinois for his position in wanting to be open to get this to conference and to resolve this issue.

We have long struggled as mothers and grandmothers in seeing so many children being killed at the touch of a gun, a gun that a trigger lock can be placed on and perhaps prevent the killings of over 13 children per day. Yes, I have introduced a bill in the 105th Congress and the 106th Congress talking about child safety locks. I looked at that as just common sense legislation, nothing too onerous but simply trying to make sure that our children are safe. There are mothers who are crying to me in the area that I represent in Watts, one of the most violent areas in this country, where violence has just absolutely permeated the streets. They are asking for this type of safety measure that will help us to bring our children back to some sensibility and hopefully will bring families together.

I agree with the gentleman from Illinois that this is not the end-all of all of it but it is the beginning of helping us cope with this issue. I say to the chairman and the ranking member, I hope in their final words today that they will give us some definitive dates or date by which we can convene this conference so that we can speak to the many questions that mothers are asking and fathers are asking about gun safety and their children. I say to them that this Nation has entrusted us with trying to do the best we can in the halls of Congress to bring about sensible legislation that will protect our children. I think this is a move in the right direction. I urge the chairman and the ranking member to give us dates as they leave today to help us to come to the point that we want to get to.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, this motion directs members of the conference committee on the Senate-passed bipartisan gun violence bill to immediately meet and report both sensible gun violence and gun enforcement provisions. We can and should do both.

Instead, the majority bowing to the NRA has tried to stifle both gun violence legislation and gun enforcement legislation. They will not have the conference committee meet even though they tell the President they will try to do otherwise. Just weeks ago, the NRA attacked President Clinton with the rhetoric that made members of the majority party run away from them. They

even opposed the Lofgren motion that directed the conference to meet.

Even NRA sees that its extremeness has backfired. They are today supporting this motion that goes beyond Lofgren to say that we should meet and report legislation on loopholes and enforcement. Even the NRA is running for cover. But we do not want cover. We want action. Today, an enforcement bill was passed. I did not get a chance to speak on that issue but that bill does nothing more than prosecutors and U.S. attorneys can already do. Janet Reno implemented trigger lock, and trigger lock is already a program that allows U.S. attorneys and local prosecutors to proceed with serious enforcement of offenses committed with guns. So it was, in my opinion, not a good idea to vote for that because it only applied to six States.

The gentleman from Illinois (Mr. HYDE) talked about it is more than mere enforcement. Yes, it is. Prosecution is more than just mere enforcement. Sometimes for children it means intervention, sometimes for children it means diversion, sometimes for children it means rehabilitation and not just warehousing which is what we traditionally do in this country with children who commit crimes.

I am not for people using guns and violence and I am not for people saying that they ought to be able to carry guns because in many of our States they do have a carrying a concealed weapon provision. You can walk around anywhere and carry a gun.

What I am for and what I am encouraging my colleagues to do is to in fact say, we are tired of this. What we want to do today is pass sensible, common sense gun enforcement and gun safety. Let us stop talking about we want to get rid of guns and in State legislatures enacting carrying concealed weapons provisions. Let us stop talking about we want to reduce violence in our country and then we proceed to pass nonsensical positions. Let us stop talking about we want to do enforcement when we want to say, well, we are not going to pass a loophole because we are going to keep it open for another day, that people ought to be able to buy a gun even when you cannot clear a record check. It does not make sense to me. Let us be sensible. The people of America expect us to be sensible and use common sense.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, as I have listened to the words here today, I must say that I am more encouraged today than I have been since last August by what has been said. I am hopeful that we will in fact be able to achieve what I think is achievable. I think it is simply wonderful that the gentleman from Illinois and the gentleman from Michigan are going to send a letter over to the chairman of the committee and ask that we meet. I commend both of them for doing that.

I was grateful to hear about the discussion that I know has been discussed privately but never I do not believe on the floor before today of how we can close the gun show loophole in a way that works that the gentleman from Illinois described and the gentleman from Michigan has described. I would just like to say that I hope that the very positive language is followed up with very positive action.

I know that action is hard to do because there are forces in the country that are opposed to taking action, and it will take us all working together to make sure that this gets done. I agree with the gentleman from Illinois that there are many problems that face America. The overavailability of guns is one of them. But we know that there are people who are emotionally unstable, people suffering from untreated mental illness that go on rampages, children that have been abused or neglected and who do wrong things. All of those problems will continue to exist. But if we can reduce the availability of weapons that can hurt so many, then we will have achieved something and we will still have the other issues to work on.

I would just say that I am happy to hear the words. I am eager to see the action. I am hopeful that the gentleman from Michigan and the gentleman from Illinois can sit down as soon as possible even after the vote on this motion today. The letter I think has now been reprinted and will be sent off. I am willing to do anything I can to be supportive of achieving this for the children and parents of America. We will be watching very carefully to make sure that we all do our part to make sure that this action actually becomes a reality.

□ 1730

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to my friend, the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding me time, and thank our colleagues for bringing this motion to instruct conferees.

Mr. Speaker, as I think about the fate of some of our felons in America, they cannot vote; it is difficult to get a job. I often have those who have paid their dues and served time calling the congressional office back in Tennessee asking for assistance in trying to get a job to support their family. They have a hard time getting a job.

Yet they can go right across the bridge from where I live, I am from Memphis, Tennessee, Mr. Speaker; and they can go right across the bridge into Arkansas and even parts of my State to a gun show; and, if they are lucky, if it does not come up quite quick enough that they are a convicted felon, they can buy a gun. Now, we do not allow them to get a job to support their family, but if they get mad enough, we allow them to buy a gun to shoot their family. Cannot vote; cannot get a job.

This conference committee has not met since last August. We do a lot of talking in this Chamber about caring for American families and American workers. What worker in America cannot go to work for 7 or 8 months and claim that they are on the job?

We claim that we are busy around here. We all know better. We know that we are not accomplishing much legislatively here in this Congress. We have a minimum wage bill languishing in the Senate; we have a Patients' Bill of Rights languishing in conference. Finally those on that conference committee have gotten together. We have seniors clamoring for a seniors drug benefit. What is it we are doing that we are so busy we cannot work on this matter?

The States of Massachusetts, Maryland, and New York, all led by Republican governors, have all stared down Charlton Heston. Shame on Charlton Heston for referring to the President as a liar. Shame on Wayne LaPierre for suggesting that the President had blood on his hands for the shooting death of the former basketball coach of Northwestern University.

I understand tempers can flair and emotions can rise, and perhaps mine is right now, Mr. Speaker. But I am a member of that generation. I come from that generation that would have to deal with the legacy of laws passed here in this Congress. I applaud the gentleman from Illinois (Chairman HYDE) for his reaching out in the earlier part of this debate, and I join my colleagues in hoping that a resolution can be achieved between both sides. But that should not stop this conference committee from doing its work.

I close with this. Some on the other side suggested we ought to be focused on gun enforcement as opposed to gun safety. We can do both, and we know that. The gentleman from Michigan (Mr. CONYERS) and Senator SCHUMER have offered something that will allow us to do that very thing.

I thank the chairman. I look forward to working with him. I ask the conference committee on juvenile justice to do the right thing, to come together and meet. I do not know of any worker in America who could not go to work for 8 months and ask for a paycheck.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this motion; and I am very glad, Mr. Chairman, that according to my colleague, the gentlewoman from California (Ms. LOFGREN), a Member who has been working on this issue, and our ranking member of the committee, I am very glad that they seem optimistic that there has been some discussion on the floor today that there will be meetings, that there will be movement, that we can get a bill passed, because I do not know how the rest of my colleagues feel, but I am so frustrated.

I listen to my friends, my neighbors, my constituents. They are angry. They are all preparing for that Million Mom March on Mother's Day, and they are angry. They do not get it; they do not understand it. They feel that no matter how much we argue, no matter how hard we work, our efforts to pass common sense gun safety legislation and to strengthen the enforcement of gun safety laws seem to be blocked by this Congress.

The cries of the American people, the cries that so many of my colleagues and I have tried to echo and amplify in this Chamber, have fallen on deaf ears. While our constituents demand real concrete action, the Republican leadership puts up impassable roadblocks to progress on any front. Any bill with teeth, any bill that will really enforce gun safety laws and will really prevent children and felons from getting guns, is immediately disqualified from consideration.

I do believe the American people get it. They are on to the tactics of the NRA and its friends in this Congress. So it is time for Congress to pay attention to the American people, not just lip service. The Juvenile Justice Conference Committee should meet now, and it should not stop meeting until we have a real bill to consider, with effective common sense gun safety and enforcement provisions.

Preventing the committee from meeting and blocking the debate from happening is undemocratic. We have no room for these tactics. I urge my colleagues to support this motion.

Mr. CONYERS. Mr. Speaker, I include for the RECORD a letter recently signed by myself and the gentleman from Illinois (Chairman HYDE) to Chairman HATCH asking that we have a Juvenile Justice Conference meeting.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 11, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: We write to request a juvenile justice conference meeting as soon as possible.

As you are aware, in the last two months, we have witnessed a succession of gun violence tragedies. We have been shocked by a six-year-old shooting a six-year-old in Mount Morris Township, Michigan. We have seen a nursing home held hostage and a mass shooting in Pittsburgh. In February, Memphis firefighters responding to a call were shot and killed by a disturbed man. It is clear that the Nation would like Congress to respond.

We know that there is not complete agreement on all of the issues before the Conference. We also recognize the need for compromise. We have already agreed in principle to proposed language to reduce the waiting period to 24 hours in most cases, but are still trying to resolve appropriate ''safety hatch'' exceptions.

We have pledged to each other to begin anew negotiations. We believe, however, that beginning the work of the Conference will play a constructive role in the necessary process of narrowing our differences.

We appreciate your consideration of this request.

Sincerely,

HENRY J. HYDE,
Chairman, House Judiciary Committee.
JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee.

Mr. Speaker, it is my pleasure to yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary, for 4 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would say to the gentleman from Illinois (Mr. HYDE), I think I was on the floor earlier today and acknowledged that the legislation that we were debating, the civil asset forfeiture law, was truly a bipartisan legislative initiative. It had wound its way to the floor, and we were glad to support it as both Democrats and Republicans.

I can truly say today that where we are today represents at least bipartisan commitment on behalf of the House of Representatives. So I thank the gentleman from Illinois (Chairman HYDE) for being part of this debate, but as well acknowledging that the motion to instruct as offered by the ranking member pursuant to his leadership, along with myself and the gentlewoman from Indiana (Ms. CARSON), the gentlewoman from California (Ms. MILLENDER-MCDONALD), and the gentlewoman from New York (Ms. MCCARTHY), is in fact the right way to go.

Just a few hours ago I took issue with the Project Exile, not because the State of Texas might not have the opportunity to be a participant, but I used the term ''holistic.'' That is why I think this motion to instruct is effective, because it talks about the holistic approach to gun regulation. It acknowledges that we do have a Constitution, but in fact it talks about preventing children from getting guns. That is the angst of what all of us are crying out, that is the pain of Columbine, that is the pain of Kentucky, that is the pain of Arkansas, when our children get guns and do violence.

The picture of this precious life reflects when a child has gotten a gun. It has nothing to do with Project Exile and locking up grown people that have guns. It has a lot to do with keeping guns out of the hands of children. The motion to instruct talks about keeping guns out of the hands of children.

I would hope that we could encourage the other body to sit down and meet. I would hope that we, Members of the House of Representatives, now knowing that the NRA and Handgun, Inc., is supporting this motion to instruct that deals specifically with access to guns and keeping them away from children, can we not have a meeting of the minds to save lives?

Just last week in my district, a young boy took four pistols, I did not say one, I did not say two or three, but I said four, in his knapsack, if you will, to his school. That shows that locking up criminals, which is extremely important, that use guns, and I am a strong supporter of that, it requires us to have gun prevention; it requires us to hold adults responsible when they have guns, and allow them to get in the hands of children.

So what I say today is can we not stand on the floor of the House with the motion to instruct and have it embedded not only in our heart, but in our action? Can we realize that this life would not have been saved on the basis only of locking up that criminal who had a gun? It would likewise have been saved with a trigger lock. It would likewise have been saved with holding adults responsible for letting guns get in the hands of children.

The American Association of Pediatrics has put it in the right way. This is a health phenomenon. We are losing more children's lives through guns. In 1997, there were 32,000 firearm-related deaths; 4,000 of those victims were children and adolescents 20 years of age and younger.

So the American Association of Pediatrics has said that the most important thing is that we decrease the number of guns in the hands of our children and in the hands of this Nation.

Guns, yes. Guns are something that we happen to own in this country, and I recognize that. I recognize the second amendment. But I think it is important that we also recognize that we collectively can save lives. I would hope that the mutual work of those of us who have offered this motion to instruct, and I would hope that the ranking member and chairman of this Committee on the Judiciary will find the momentum to move us forward to holistically approach this, gun safety, gun regulation, gun wisdom, and, of course, guns that are in the hands of individuals that will not cause us to lose lives.

Mr. HYDE. Mr. Speaker, finding myself with more time than I need, I would be pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Mr. Speaker, I would like in particular to read the statement of the American Association of Pediatrics, and that is that because firearms-related injury to children is associated with deaths and severe morbidity and is a significant public health problem, child health care professionals can and should provide effective leadership in efforts to stem this epidemic.

The statement concludes that while there has been a slight decrees in numbers in the last few years, the number of victims of firearm-related injuries constitutes a public health problem that must be addressed. Therefore, they recognize the importance of a variety of countermeasures, educational,

environmental, engineering, enactment, enforcement, economic incentives, and evaluation.

The most important aspect of this is to keep guns out of the hands of children and out of the homes where children are.

So I close my remarks, and I thank the chairman very much, because this has hit all of us very close to home. Because of the fact it has hit us very close to home, I do not think we can wait any longer to pass legislation. So I would hope that though we think that we can only do it by enforcing those hard laws, which are part of it, we can also do it with prevention, closing the gun show loopholes, providing trigger locks, holding parents responsible, so that we can ensure that we do not lose these precious lives on the basis of the reckless use of guns or children getting guns.

Mr. Speaker, I thank the chairman for his bipartisan spirit. I hope we get that kind of vote on this motion.

Mr. Speaker, I rise today along with my colleague from Michigan, Mr. CONYERS, Ms. CARSON from Indiana, Ms. MILLENDER-MCDONALD from California and Ms. MCCARTHY from New York. As a cosponsor of this motion I offer this motion to instruct conferees on the Juvenile Justice legislation. This is the second motion to instruct the conferees to meet to have substantive meetings to offer the President and the people of the United States a viable gun bill.

I strongly support this motion to instruct because the American people have waited long enough for us to act on this legislation. We can no longer delay. We must move forward before another tragedy like that of 3-year old Alisha Jackson who died just a couple of weeks ago because she got a hold of a gun while playing in her home.

Little Alisha Jackson, a vivacious 3-year-old girl who liked to watch Barney and the Teletubbies, was killed Thursday, March 23 as she was playing with a gun in her home. Her father stated that Alisha had found a pistol in the house and was handling it when it somehow discharged.

As the motion states, I agree that the committee on the conference must not only meet to discuss the current Juvenile Justice Bill, the committee report should include:

Measures that aid in the effective enforcement of gun safety laws within the scope of the conference, and

Common-sense gun safety measures that prevent felons, fugitives and stalkers from obtaining fire arms and children from getting access to guns within the scope of conference.

Just yesterday, in my state of Texas a 13-year-old eighth-grader carried four pistols—three loaded—into a junior high school classroom in a gym bag here. Fortunately he was caught, but the question remains how did this child get a hold of these guns.

The American Academy of Pediatrics (AAP) strongly stresses that the most effective measure to prevent firearm-related injuries to children and adolescent is to remove guns from homes and communities.

Though this may stop the proliference of firearm tragedies, I do believe that there are alternative means to decrease the prevalence of child firearm injuries.

The Juvenile Justice Bill provides such an alternative and it is time for the conferees to meet to address the concerns of the American people.

In the past few weeks my office has received many calls and letters from constituents whom mistakenly believe that we support legislation that will take away their guns.

It is obvious that the propaganda machine of the national Rifle Association is working to change our focus from the issue of children and guns and gun ownership in general. Like many of my Colleagues, I do not oppose responsible gun ownership.

However, like President Clinton, I am concerned about children and their access to guns. I am concerned that guns are not regulated in the same way that toys are regulated.

I am concerned that we do not have safety standards for locking devices on guns. I am concerned that we do not prohibit children from attending gun shows unsupervised. I am concerned that we have not focused on the statistics on children and guns.

According to the AAP statement:

The United States has the highest rates of firearm-related deaths among industrialized countries.

The overall rate of firearm-related deaths for children younger than 15 years of age is nearly 12 times greater than that found for 25 other industrialized nations.

The Academy even predicts that by the year 2003, firearm-related deaths may become the leading cause of injury-related death!

Already, among black males 10 through 34 years of age, injuries from firearms are the leading cause of deaths.

Even more tragic is the fact that most firearm-related deaths of children occur before their arrival at the hospital.

Thus, most of our children that injured by firearms do not even have a chance. This is the reality in our country that must not be denied!

Another important fact pointed out by the American Academy of Pediatrics is that:

In 1994, the mean medical cost per gunshot injury was approximately $17,000 producing 2.3 billion in lifetime medical costs, 1.1 billion of which was paid by U.S. taxpayers.

Thus, it not only makes common sense, but economic sense for the Juvenile Justice bill to include child safety measures so that we can prevent tragedies like Columbine and Littleton Colorado from occurring again.

Thirteen die everyday from firearms. Why can we not rise above our political differences to pass effective gun legislation that would address this heartbreaking situation?

It would seem that in almost the year since the Littleton shootings, we have done little to move forward on the Juvenile Justice Bill.

Despite the majority's reluctance to meet and discuss the current Juvenile Justice Bill, I am confident that the American people will not allow this matter to rest.

This motion to instruct urges the conferees to act immediately on the Juvenile Justice Bill. We cannot wait for another tragedy to occur. I urge my Colleagues to support this motion.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. Speaker, I rise today in strong support of this motion to instruct conferees on H.R. 1501, the juvenile justice bill. I appreciate the constructive comments made by the distinguished chairman, the gentleman from Illinois (Mr. HYDE).

Mr. Speaker, how many Americans must die before Congress makes a commitment to keeping guns out of the hands of children and criminals? How many more news reports do we need to see of innocent children gunned down, of families and communities devastated by gun violence? At Columbine High last year, 13 children were killed, 23 injured, with a weapon originating at a gun show. We thought this was the last straw, but we thought Paducah was the last straw, we thought Conyers was the last straw, we thought Jonesboro was the last straw, we thought Springfield was the last straw.

Just weeks ago, little Kayla Rolland was gunned down in a Michigan elementary school, murdered by a 6-year-old child who learned how to kill with a handgun before he learned how to read.

□ 1745

It is time to put a stop to these tragedies. Compare our record, compare the epidemiology with any other country. We have a serious public health epidemic. Yes, epidemiology is the right word. This is a public health problem.

This motion to instruct conferees on H.R. 1501 to meet and report a committee substitute is important. It would include common-sense gun safety measures. The conferees must take action to close gun show loopholes that allow criminals and children and the mentally ill to buy firearms.

Mr. Speaker, it must include provisions to require child safety locks and other safety measures that save children's lives. They must provide maximum support for measures that help enforce our Nation's gun safety laws and protect our children from gun violence.

Now is the time for action. Let us prevent tragedies. Let us pass this motion.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we are approaching the 1-year anniversary of the tragic shooting at Columbine High School. That horrible day not only claimed the lives of innocent students but also shed new light on the gun violence that robs too many of our young people.

The Columbine shootings were a watershed event that reshaped the way that Americans think about gun violence. Parents asked themselves today, Is it safe to send my daughter to school? They pray, Don't let a shooting like Colorado claim my son's life.

People understand that the causes of such tragedies are complex and varied. They also want to keep kids and criminals from obtaining deadly weapons. They overwhelmingly support common-sense measures that would keep

guns out of the wrong hands without jeopardizing the rights of law-abiding citizens, but the Republican leadership, taking their cues from the gun lobby, has failed to enact common sense gun safety laws.

In that year since Columbine, the Republican leadership has tried to cover their failure with sleight of hand by presenting a false choice between enforcement and efforts to close gaping loopholes that allow criminals to buy guns. The American people rightly reject this false choice, and we were here to say that Congress should take a strong stand in favor of both enforcement and of enactment of needed gun safety measures.

Mr. Speaker, I call on my Republican colleagues to join Democrats and support effective enforcement of gun laws, support the President's measure to devote more resources and prosecutors to tackling gun crimes. Congress must also send to the President gun safety provisions passed by the Senate, shut down the loopholes at gun shows that puts guns in the hands of criminals, require a child safety lock to be sold with handguns, and ban the importation of high capacity ammunition clips. These are simple steps voted on in a bipartisan way in the United States Senate.

These are simple steps which close dangerous avenues to illegal gun ownership.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentlewoman from Connecticut (Ms. DELAURO) has expired.

Mr. CONYERS. Mr. Speaker, I yield my last 30 seconds to the gentlewoman from Connecticut.

Mr. HYDE. Mr. Speaker, if I may, I yield 30 more seconds to the gentlewoman so she may have a full minute.

Ms. DELAURO. Mr. Speaker, how generous of the chairman.

Mr. HYDE. Mr. Speaker, this is bipartisan day.

Ms. DELAURO. It is. It is wonderful. I urge the gentleman from Illinois to support the motion.

Mr. Speaker, too much delay, too many lives lost have been destroyed since Columbine. Americans want and they deserve better.

Yesterday, in North Haven, Connecticut, I stood with the head of the Connecticut Chiefs of Police; the Chief of Police, Kevin Connelly of North Haven; with the representatives of Mossberg & Company, gun manufacturers; Marlin Firearms, which manufactured guns in my community; with a representative of the National Sports Shooting Foundation.

Mr. Speaker, the reason why I was there was to talk about gun safety locks on guns. It was a collaborative effort with the industry, with the law enforcement community, and with the political structure that can come together around these issues. If only the Members of this body could come together and say that, yes, in fact, what we are going to do is to make sure that we do have enforcement, but at the same time pass those gun safety measures that would make a difference in the lives of our community today.

Mr. HYDE. Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has the right to close. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. CONYERS. Mr. Speaker, might I have a minute for the gentleman from Colorado (Mr. UDALL)?

Mr. HYDE. I am happy to yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. HYDE) for yielding me the 1 minute.

Mr. Speaker, I support this motion. Its adoption will remind the conferees that they have a job to do and call on them to get started. Each of us have been elected to debate and act on proposals to address the country's business. Of course, it is not always convenient, and sometimes it does mean foregoing other things that we would like to do.

Mr. Speaker, for example, I would have liked to have accepted the invitation tomorrow to accompany the President when he travels to Colorado for a public appearance related to these very issues we are asking the conferees to consider, gun safety and steps to make it harder for criminals to obtain firearms.

But even though I would have liked to have gone to Colorado, I have decided I am going to stay here in order to take part in the debates and votes on the matters that will come before the House. For me that is the priority, and I think that seeking to reach agreement on these important public safety issues should be a priority for the conferees, so I urge the House to agree to this motion.

Mr. HYDE. Mr. Speaker, I am honored to yield 4 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

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

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

Mr. Speaker, I rise almost to a point of inquiry of the sponsor of the bill, the gentleman from Michigan (Mr. CONYERS), or the supporter of the bill, the gentleman from Illinois (Mr. HYDE).

Certainly, what the Members have explained to the Congress this afternoon I do not think anyone could object to. I am happy to see that the two Members are drinking out of the same dipper, as we say in Alabama. But there is a question that I have that is sort of confusing to me. That is the underlying bill.

As I understand the motion the gentleman from Michigan has made, we are instructing the conferees to do a couple of things that sound good, measures that aid in the effective enforcement of gun safety laws within the scope of the conference. Certainly we support that. I think all of us in this House would do that.

Two is commonsense gun safety measures that prevent felons, fugitives, and stalkers from obtaining firearms and children from getting access to guns, within the scope of the conference. Who could be opposed to that?

Our problem is, Mr. Speaker, that the Members also instruct the conferees to immediately report out a compromise measure. If I vote in favor of instructing the conferees to do these two things, and then thirdly, instruct them to report a compromise bill out, what if I am opposed to what they compromise on? Does my vote here in favor of this indicate that regardless of what they send out of the conference committee, am I obligating myself to vote for that, in the gentleman's opinion?

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

Mr. CALLAHAN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding, Mr. Speaker.

There are three things we do. First of all, we ask them to meet, and then accomplish these two things. I will leave to the gentleman's conscience and to the Members' conscience whether we are going to vote on the finished product, because nobody knows what it is going to be. But these are our instructions, and I hope that they can come as close to them as they can.

Two of the members of the conference are on the floor, maybe three, so they will be trying to live up to this commitment in our motion to instruct.

Mr. CALLAHAN. To those of us, Mr. Speaker, who are not famous on the floor of this House for voting for any gun control measures, we could have a strategy where the longer an offensive bill stayed in the conference, the better off we are.

Yet, I am in a position of double jeopardy. I support what the gentleman is saying with respect to effective enforcement of gun safety laws within the scope of the conference, and commonsense gun safety measures. I support that. But this does not compel the conferees, as I understand it, to comply with the gentleman's request. It just simply says, reach a compromise and report back to this House some gun safety law.

I am afraid that if indeed the conferees are inclined, they might bring something back to the floor that is so offensive to me that I might have to vote against it, which is all right. That is my prerogative. But at the same time, I am really giving up the position that I am in now, where I know as long as it stays in conference, it is not going to be offensive to me.

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

Mr. CALLAHAN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I appreciate the gentleman's analysis. He will at all

times retain his autonomy and vote, as he has in the years he has been here, according to the dictates of his conscience and his judgment. But this is simply an effort to get some motion forward.

We are confronted with this issue. It is not going to go away. I think we can solve it on the merits intelligently and effectively. I hope and pray that we can come up with a product that would satisfy the gentleman, and I know the gentleman's predilection against gun control measures. I hope the gentleman gives us an opportunity to proceed.

Mr. CALLAHAN. I will do that, sir.

Mr. HYDE. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today in support of this motion. I appreciate the manner in which it is presented. I appreciate the fact that the ranking member of this committee and the chairman of this committee can articulate the fact that reasonable people may disagree sometimes on the means to be able to acquire the goal, but there is a common goal here. That is firearms safety, protecting our children, protecting our families.

Mr. Speaker, the motion before us is very simple. First of all, I think it is the place where we can all meet. The first part of this motion specifically says that we need to take measures to aid in the effective enforcement of gun safety laws within the scope of the conference.

It can also be pointed out, the fact that there is more we need to do in enforcement of the law. The President in the State of the Union pointed out and said that we are not doing enough of enforcing the laws we have on the books. I think we can all agree to that. I think that both Republicans and Democrats can join with the President in saying we need to have more enforcement.

But the other point of this motion also points out that commonsense safety measures are not a threat to the second amendment rights, they are the best guarantee in the long run of preserving those rights. We are not talking about extraordinary measures here.

There have been disagreements between Republicans and Democrats on certain issues. One of those issues that we have been talking about is the gun show loophole. The ranking member, actually the dean of the Democratic Party, may disagree with some of us who are Republicans saying that there is a gap there that needs to be addressed. The ranking member agrees with this Member that there was never meant to be a loophole to allow people to purchase guns at a gun show that they could not purchase outside from a licensed dealer.

Now, I know that there are Members on both sides of the aisle that may talk about the fact that to close the loophole would end gun shows as we know it. I want to point out to the Members that California has a 10-day waiting period, and has the largest gun shows in the world.

It is not the way to destroy gun shows. It is an inconvenience, but frankly, as a gun owner, a lot of us feel that that inconvenience is well worth the process.

Mr. Speaker, I would just ask all of us to look at the motion and let us talk about this. The extremists on either side do not want this motion to pass, and they do not want this issue to be settled before this Congress adjourns. There are people in extreme components on both sides of this aisle that want to see this issue be used for political advantage, rather than public safety.

I want to commend the chairman of this committee, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS), for bridging that gap and leaving those extremists out where they belong, in the wings. I want to thank the Members for bringing this motion up to address this issue.

I would ask everyone to take the words of the chairman saying, as the House of Representatives, let us sit down and build a common agenda to present to the other body so that we can move this agenda and get it done and do what we tell the American people we really want done, that we actually want good gun law, that we actually want gun safety, not just partisan political bickering.

□ 1800

Mr. Speaker, I appreciate the chance to be able to address this issue. It is a very emotional issue. It is an issue that bears a lot of weight and I just think that those of us that really want to be able to go back to our district and say we stood up for gun safety, we stood up for public safety, we stood up for people's rights to be protected and to be safe in their home and the fact is now is the time for the ranking member and the chairman to get together, for us to follow their leadership and find time to agree on good, common sense safety measures and let us walk away from the excuses of always finding a way to fight about this issue. This is a place we can meet and I thank the chairman for that chance.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. 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 406, nays 22, not voting 6, as follows:

[Roll No. 118]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup

Norwood	Ryun (KS)	Tauscher
Nussle	Sabo	Tauzin
Oberstar	Salmon	Taylor (MS)
Obey	Sanchez	Taylor (NC)
Olver	Sanders	Terry
Ortiz	Sandlin	Thomas
Ose	Sawyer	Thompson (CA)
Owens	Saxton	Thompson (MS)
Oxley	Scarborough	Thornberry
Packard	Schaffer	Thune
Pallone	Schakowsky	Thurman
Pascrell	Scott	Tiahrt
Pastor	Sensenbrenner	Tierney
Payne	Serrano	Toomey
Pease	Sessions	Towns
Pelosi	Shadegg	Traficant
Peterson (PA)	Shaw	Turner
Petri	Shays	Udall (CO)
Phelps	Sherman	Udall (NM)
Pickering	Sherwood	Upton
Pickett	Shimkus	Velazquez
Pitts	Shows	Vento
Pomeroy	Shuster	Visclosky
Porter	Simpson	Vitter
Portman	Sisisky	Walden
Price (NC)	Skeen	Walsh
Pryce (OH)	Skelton	Waters
Quinn	Slaughter	Watkins
Radanovich	Smith (MI)	Watt (NC)
Ramstad	Smith (NJ)	Watts (OK)
Rangel	Smith (TX)	Waxman
Regula	Smith (WA)	Weiner
Reyes	Snyder	Weldon (FL)
Reynolds	Spence	Weldon (PA)
Rivers	Spratt	Weller
Roemer	Stabenow	Wexler
Rogan	Stark	Weygand
Rogers	Stearns	Whitfield
Rohrabacher	Stenholm	Wicker
Ros-Lehtinen	Strickland	Wilson
Rothman	Stupak	Wise
Roukema	Sununu	Wolf
Roybal-Allard	Sweeney	Woolsey
Royce	Talent	Wu
Rush	Tancredo	Wynn
Ryan (WI)	Tanner	Young (FL)

NAYS—22

Barr	Jenkins	Riley
Chenoweth-Hage	Jones (NC)	Sanford
Coburn	Metcalf	Souder
DeMint	Mollohan	Stump
Goode	Paul	Wamp
Hayworth	Peterson (MN)	Young (AK)
Hill (MT)	Pombo	
Hostettler	Rahall	

NOT VOTING—6

Bliley	DeGette	Myrick
Cook	McIntosh	Rodriguez

□ 1822

Messrs. SOUDER, WAMP, PETERSON of Minnesota, RAHALL, MOLLOHAN, and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

Mr. BRADY of Texas and Mr. HEFLEY changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2328, THE CLEAN LAKES PROGRAM

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–571) on the resolution (H. Res. 468) providing for consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–572) on the resolution (H. Res. 469) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3039, CHESAPEAKE BAY RESTORATION ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–573) on the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 94, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–574) on the resolution (H. Res. 471) providing for consideration of the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitations, which was referred to the House Calendar and ordered to be printed.

SENSE OF CONGRESS THAT PRESIDENT OF UNITED STATES SHOULD ENCOURAGE FREE AND FAIR ELECTIONS AND RESPECT FOR DEMOCRACY IN PERU

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate joint resolution (S.J. Res. 43) expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Ms. LEE. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from California for yielding to me.

This resolution, Mr. Speaker, makes an important statement of American policy towards Peru. It was passed unanimously by the Senate.

Independent election monitors in Peru have expressed grave doubts about the fairness of the electoral process now under way in Peru.

This resolution notes the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere. It could result in instability in Peru and could jeopardize United States anti-narcotic objectives in Peru and the region.

Mr. Speaker, at this moment, Peru's electoral authorities are moving to finalize the vote count for the first round of that election. It is important that the House add its voice to the unanimous voice in the Senate and send a proper signal of U.S. support for democracy in Peru.

Ms. LEE. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from New York (Chairman GILMAN) for bringing this resolution to the floor.

This resolution really comes at a very decisive moment in Peru's history. The votes from this past Sunday's election in Peru are being counted as we speak. International and Peruvian observers have already declared the electoral process to be damaged. The Organization of American States, the National Democratic Institute, and the Carter Center are among them.

Mr. Speaker, I have served as an international observer in the recent Nigerian elections and also in the elections in South Africa several years ago. We must value the importance of our international observers in their understanding and clarification of what is taking place abroad.

These nonpartisan Peruvian observers also have included the well-respected group Transparencia, and they have noted that the Fujimori government has attempted to unfairly manipulate this process to President Fujimori's advantage.

Now, the legitimacy of the entire process is in the balance. Pre-election polls and, more telling, election day exit polls and independent quick counts all point to President Fujimori's coming short of the 50 percent vote needed to win in the first round. Official vote counts appear to be inching toward 50 percent while independent tabulations show the count to be 47 to 49 percent.

This resolution, S.J. Res. 43, actually calls on Peru's government to ensure a clean, legitimate electoral process. For the Peruvian people and for the U.S.-Peruvian relations, we implore President Fujimori's efforts, and we implore him to do the right thing in this instance.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 43

Whereas presidential and congressional elections are scheduled to occur in Peru on April 9, 2000;

Whereas independent election monitors, including the Organization of American States, the National Democratic Institute, and the Carter Center, have expressed grave doubts about the fairness of the electoral process due to the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial processes to stifle independent reporting on radio, television, and newspaper outlets, and harassment and intimidation of opposition politicians, which have greatly limited the ability of opposing candidates to campaign freely; and

Whereas the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere, could result in instability in Peru, and could jeopardize United States antinarcotics objectives in Peru and the region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the President of the United States should promptly convey to the President of Peru that if the April 9, 2000, elections are not deemed by the international community to have been free and fair, the United States will review and modify as appropriate its political, economic, and military relations with Peru, and will work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

The Senate joint resolution was agreed to.

A motion to reconsider is 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 Senate Joint Resolution 43.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes on proposed questions will be taken tomorrow.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003, as amended.

The Clerk read as follows:

H.R. 2884

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

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated for fiscal years 2000 through 2003 such sums as may be necessary to implement this part.'';

(2) in section 181 (42 U.S.C. 6251) by striking ''March 31, 2000'' both places it appears and inserting in lieu thereof ''September 30, 2003''; and

(3) in section 281 (42 U.S.C. 6285) by striking ''March 31, 2000'' both places it appears and inserting in lieu thereof ''September 30, 2003''.

SEC. 2. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

''PURCHASE OF OIL FROM MARGINAL WELLS

''SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

''(b) DEFINITION OF MARGINAL WELL.—The term ''marginal well'' means a well that—

''(1) has an average daily production of 15 barrels or less;

''(2) has an average daily production of 25 barrels or less with produced water accounting for 95 percent or more of total production; or

''(3) produces heavy oil with an API gravity less than 20 degrees.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

''Sec. 169. Purchase of oil from marginal wells.''.

SEC. 3. NORTHEAST HOME HEATING OIL RESERVE.

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''ESTABLISHMENT

''SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

''(b) For the purposes of this part—

''(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

''(2) the term 'petroleum distillate' includes heating oil and diesel fuel.

''AUTHORITY

''SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

''(4) store petroleum distillate in facilities not owned by the United States;

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

''(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

''(1) a severe energy supply disruption;

''(2) a severe price increase; or

''(3) another emergency affecting the Northeast,

which the President determines to merit a release from the Reserve.

''(b) Within 45 days of the date of enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve;

''(2) the acquisition of petroleum distillate for storage in the Reserve;

''(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a 'major Federal action significantly affecting the quality of the human environment' as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

''NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

''SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account know as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

''(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

''(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

''EXEMPTIONS

''SEC. 185. An action taken under this part—

''(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

''(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. 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 the bill, H.R. 2884.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to thank the minority staff and the minority leadership on the Subcommittee on Energy and Power as well as the full Committee on Commerce, and the majority staff on the same committees for working to put this bipartisan compromise together.

I want to also thank the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), who was unavoidably detained and could not be on the floor this evening for his support of this very necessary measure.

Mr. Speaker, what we are doing right now is we are authorizing the Energy Policy and Conservation Act through the year 2003. This is an act that was first put on the books in 1992. It includes necessary legislative language for the Strategic Petroleum Reserve, which is vital to our Nation's security. I think it is a very worthwhile piece of legislation. It is a clean reauthorization of the existing act, with two exceptions, and I am going to very briefly touch on those.

Under current law, oil that is put into the Strategic Petroleum Reserve has to be purchased from foreign oil sources. It cannot be purchased from domestic sources. The bill, as reported from the committee, included a provision that would allow the Secretary of Energy the discretion, would not mandate but would allow the Secretary of Energy the discretion, if world oil prices fell below $15 a barrel, to purchase oil from stripper wells. Stripper wells are wells that produce less than $15 per barrel.

So this provision would allow the Secretary of Energy the discretion to purchase stripper well oil from domestic sources and put them in the reserve. The oil in the reserve today currently has an average acquisition cost of $27 per barrel. So this provision would be just slightly more than half the current acquisition cost.

What it would do, in strategic terms, is allow a domestic resource, these small wells that are barely producing much oil, to stay in production and not be shut in. Once these stripper wells are shut in, very few of them ever come back.

If we had had this provision in the law 2 years ago, and if the Secretary had used the discretion to implement it, it is estimated that between a half a million and a million barrels of oil would still be being produced today in the United States that is not currently being produced. So we think this is a valuable addition to the SPR and is a worthwhile amendment to come out of committee.

The other amendment that we are adding on the floor this evening that was not put in in committee is at the request and suggestion of the gentleman from Massachusetts (Mr. MARKEY), who is on the floor, the Secretary of Energy at the Department of Energy, and the Clinton-Gore administration and affected Republicans in the Northeast.

It reauthorizes the refined product reserve and it also changes the trigger mechanism for the refined product reserve on a regional basis so that one could get a declaration on a regional basis, like we had the heating oil emergency in the Northeast several months ago. If the Markey language had been law at that time, and if we had had refined products in a reserve, a regional declaration could have been declared by the President and that fuel oil could have been drawn down for homeowners in the Northeast.

So this is, at the top end, I think, a good amendment in a good piece of legislation. It was not put in at full committee but it has been added at the Committee on Rules and is in the bill that is before us.

So, to summarize, Mr. Speaker, H.R. 2884, as amended, is an excellent piece of legislation. It has two additions, one addition when prices are low and, in addition, it would help us when prices are high. So I would hope the House would pass this by unanimous consent.

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

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

Mr. Speaker, I rise in support of this legislation, despite my reservations about deficiencies in the measure that could well have been addressed had the bill been brought to the floor in a more timely manner. It is unfortunate that it was not until well after gasoline prices rose sharply that the House leadership awoke to the need to reauthorize EPCA, a statute which expired on March 31.

EPCA is the foundation of our emergency energy preparedness. It permits the United States to participate in activities of the International Energy Agency. It also authorizes the President to maintain and, if necessary, draw down oil from the 570 million barrels in the Strategic Petroleum Reserve. That reserve is not a tool to be deployed lightly.

EPCA stipulates that a drawdown occur only if the President finds that a severe energy supply interruption exists. Moreover, the storage caverns can only be filled and drained a few times before their structural integrity is affected. But the very existence of the reserve provides an insurance policy against a major oil crisis and reminds foreign oil producers that this Nation is not at their mercy.

As part of his effort earlier this year to bring gasoline prices down, the President asked Congress to ensure that this vital authority did not expire. That call has gone unheeded until this late moment.

I supported H.R. 2284 when it was reported by the Committee on Commerce last October. I signed dissenting views, along with a majority of my committee Democrats, protesting the bill's failure to renew important energy efficiency provisions of the original act. Had this legislation been brought to the floor in a more timely manner, under a rule that permitted amendments, this omission could have been rectified.

Let me say that I am very pleased that an accommodation has been reached on an amendment that establishes a heating oil reserve and helps to increase production of U.S. oil reserves as proposed by our friend and colleague, the gentleman from Massachusetts (Mr. MARKEY). Since the bill was reported from committee more than 5 months ago, it is very difficult for me to understand why we are reduced to what amounts to a last-minute scramble that prevents its consideration under more normal procedures.

Nonetheless, recent events underscore the importance of having EPCA on the books to ensure that the President has the necessary tools at his disposal to respond to an energy emergency. It appears this legislation is the sole legislative vehicle that the majority is willing to make available to avert an extended lapse of this essential statute. So, under the circumstances, we have little alternative other than to support the legislation.

In conclusion, while I recognize the bill's substantive shortcomings, and deplore the unnecessary delay in addressing this matter, I plan to vote for the legislation and I encourage my colleagues to do the same.

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

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment the gentleman from Texas for constructing kind of a classic Austin-Boston piece of legislation here.

The gentleman from Texas represents a concern that the stripper well industry has, that they have not had the proper set of incentives in order to continue to keep their wells open. What the legislation says is that when the price of stripper well oil goes below $15 a barrel, that there would be an authorization for that oil to be purchased in order, one, to fill up the Strategic Petroleum Resereve but, secondly, in order to keep the price of stripper well oil high enough so that there is an incentive for that industry to continue to make the proper investment in maintaining them as viable sources of energy for our country.

As well, the legislation makes it possible for there to be constructed a regional home heating oil reserve in the northeastern part of the United States. That is very important to those of us that live within a region that does have, on an ongoing basis, the threat that we are going to be cut off from that home heating oil supply.

Now, maybe over the next 20 years, as Sable Island, this rich resource of natural gas off of the Newfoundland coast comes on line, we will not need this kind of protection. But that is not really going to be possible for another 5, 10, 15 years before it fully penetrates all of the Northeast. And by the Northeast, I also mean eastern Pennsylvania, all of New Jersey, and the State of New York. Those are the parts of our country that are very much dependent upon imported home heating oil.

Now, we have, without question, the need to give the President the flexibility that he needs to release the heating oil from the reserve in the event we have a repetition of the type of severe price spikes or severe weather situations that we saw last winter which drove home heating oil prices over the $2 a gallon level. This provision helps assure that as we are reauthorizing EPCA, that we are addressing both the needs of the producing States, who are worried about what happens when prices go too low, and the consuming States, who worry about what happens when prices get too high.

So this is kind of our Goldilocks solution here. Not too hot. Not too cold. Just right. Try to get the right balance that makes it possible for us, to be honest, to pass legislation. We have to do this. This is the classic deal we have been cutting since Sam Rayburn and John McCormick sat on this floor in the 1930s.

It is a good bill. I want to thank again the gentleman from Texas for bringing it out. I want to compliment the gentleman from Maine and the gentleman from Rhode Island and the gentleman from Vermont for pushing on this legislation. And by that I mean respectively the gentleman from Maine (Mr. BALDACCI), the gentleman from Rhode Island (Mr. WEYGAND), and the estimable independent from the State of Vermont, their constant pressure. I see the gentleman from Massachusetts (Mr. CAPUANO) up there as well. This is legislation that, without question, is a perfect compromise.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill is on the suspension calendar because we think that it has broad bipartisan support and should be an automatic ''yes'' for all the Members.

We have worked very hard to reach a compromise both at the policy level and at the political level, and I hope that if and when we have a rollcall vote on this that people would all vote ''yes'' for it.

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

Mr. BOUCHER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend the chairman, the gentleman from Texas (Mr. BARTON), and the ranking member, the gentleman from Virginia (Mr. BOUCHER), for bringing this important measure to this body.

I stand in strong support of it and urge my colleagues to think as this bill moves forward how America can, in fact, be energy independent.

□ 1845

We are two-thirds dependent on foreign sources of supply, and the Strategic Petroleum Reserve offers us a temporary cushion here at home.

I think, as the bill moves forward in the other body and as compromises are reached, I would urge my colleagues to consider swapping a portion of the oil that is in the reserve for ethanol and biodiesel, or even as new fuel is purchased and there is currently a gap in the reserve of several million barrels, to consider looking at ethanol as one of the ways in which America can become more self-sufficient in fuel production and usage.

I would recommend a level of about 300 million gallons of ethanol and 100 million of biodiesel. Both of these are at competitive prices now if one looks at the market. And even if all of that were purchased and stored on farm, we would still only be looking at 1 to 2 percent of the entire fuel reserve being comprised of these biobased fuels.

In terms of what is happening in rural America today, this is absolutely a way forward for our country. And if one looks at the State of Ohio, we are one of the biggest ethanol users in the Nation. About 40 percent of the additives in our fuels, as opposed to MTBE, is actually comprised of biofuels, ethanol being the leading one.

So I would implore the chairman of the subcommittee and the ranking member, as these discussions proceed in the Senate, to please consider this. It would make economic sense. I think it makes defense sense. It certainly makes energy sense for our country in view of what is happening across our country with farmers facing the necessity of looking at new fuels. This is a wonderful new market.

In addition to that, representing the coal belt of America, from Pennsylvania through the Virginias, through Illinois, and so forth, I would also recommend looking at cleaning up coal and using the methane that can be spun off of that as another additive. I would hope that as these discussions proceed that those in charge of the Strategic Petroleum Reserve would also be looking at energy self-sufficiency for the Nation as an imperative.

I again commend the gentleman from Virginia (Mr. BOUCHER) for this measure and thank him for yielding me the time.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. BOUCHER) for yielding me the time and for his leadership in the committee.

Mr. Speaker, I want to thank the subcommittee chairman for his work in trying to craft this legislation and move it forward in an attempt to reach out to everybody to advance the national interest. We appreciate that.

I would like to thank my good friend and colleague, the gentleman from Massachusetts (Mr. MARKEY), who was here when McCormick and Rayburn were here, as somebody else referred to in the hallway. He gave me that line.

But I would also like to thank the leadership in the Northeast region with the gentleman from Rhode Island (Mr. WEYGAND) and the gentleman from Vermont (Mr. SANDERS) and the gentleman from Massachusetts (Mr. CAPUANO) and many other Members in the Northeast that have worked together bipartisanly so that we could work on this issue.

There has been a gap in the authorization to be able to use the SPR and to be able to begin work on this reserve, but it is better late than never. This legislation is very good legislation. It is bipartisan. It recognizes that these events can happen on a regional basis.

I guess to have been sitting in Boston at a summit that was held, in listening to the discussion go on, and to realize how dangerously low we were on inventory levels and to recognize that all jet fuel, diesel fuel, gasoline and petroleum products had to be reconfigured into home heating oil, putting additional pressures on our gasoline market and causing gasoline prices to spike, we also were able to see how a regional shortage and concern was then developed into a national one and one which we are still dealing with to this day.

So I think that this legislation is a good insurance policy, it is a good beach head, it will protect us against those waves that come in again, and it will be able to help us to be part of a national policy that deals with a comprehensive energy policy that becomes less energy dependent and becomes more energy independent so that we

are not relying on foreign sources and that we will have national security and not have to worry about when the next shipment of oil or gas or coal or ethanol or whatever it may happen to be.

So by being able to develop these policies and working with the administration and the Secretary of Energy and the work that has gone on to try to help stabilize the market, which I believe they have gone to great measures to do, along with this legislation, we are going to begin to make sure that what we have gone through in the past does not happen again.

I tell people that the original one was a bad movie and the sequels have not been any better since and, hopefully, we never have to witness this particular situation again in the future.

I would like to thank the chairman and the people who were involved and look forward to advancing this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. BOUCHER) for yielding me the time, as well as our colleague, the gentleman from Texas (Mr. BARTON), for allowing us to move forward on this bill.

The Northeast has traditionally been a geographically hard location for much transportation of resources, like home heating oil and gasoline. We also have a very older style of architecture which often causes us to have very inefficient buildings and, unfortunately, that leak during the wintertime of heat and resources and energy. We also have a much colder environment in the Northeast than most parts of the country. All these factors lead to us as being big consumers of home heating oil.

Unfortunately, also over the years we have reduced the amount of inventory that we have traditionally had the capability of keeping in the Northeast. In 1991 we had about 4 million barrels of home heating oil on reserve in the Northeast. Since the Gulf War, we have traditionally built it up, to last year we had about 17 million barrels on hand. But this year we dropped to almost an all-time low back down to about 4.5 million barrels.

Inventory is an important part of making sure that the Northeast has an adequate supply to provide for home heating oil. This bill will go a long way to improving the inventory. I compliment the members from the majority side for bringing this bill forward that we have been working so hard on.

We must recognize, though, that only 2 million barrels is hardly a drop in the bucket to what we really need. I would hope that as we move this bill through conference that they would look at increasing the home heating oil reserve to in the neighborhood of 3 or 4 million barrels versus the 2 million barrels that is proposed.

We also must do other things, though. We have to look at alternative sources of energy such as natural gas, such as making sure we have solar power. We must also provide the kinds of tax incentives we need for conservation. That is for better winterization programs, for building materials and other things that will help enhance and reduce the amount of energy loss that we have in our buildings. All of these elements taken in composite will make us a more efficient user of energy, such as petroleum products.

I hope that as we begin to move forward with this session and as we wrap up before this fall, we will truly have a number of tax incentives for winterization and conservation, alternative sources of energy, as well as improving our stocks of inventory, as we are under this bill.

I thank both the majority and minority for bringing this bill forward. I also want to compliment my colleagues who have been working so hard on this, particularly the gentleman from Vermont (Mr. SANDERS), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Massachusetts (Mr. CAPUANO), and of course, the gentleman from Maine (Mr. BALDACCI).

We have all been working hard because our constituents hurt very hard this winter. We saw prices in Rhode Island go from 99 cents a gallon to over $2.05 a gallon in a matter of weeks. This will help reverse that trend, and this will be better for the constituents of the Northeast. And I thank my colleagues for that.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, I thank the gentleman from Texas (Chairman BARTON), the gentleman from Virginia (Mr. BOUCHER) the ranking member, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Maine (Mr. BALDACCI), the gentleman from Rhode Island (Mr. WEYGAND), and I also want to thank the President and Secretary Richardson for their support of the consent of a Northeast home heating oil reserve.

Mr. Speaker, it is no secret that this winter the people in the Northeast were hit very, very hard by the large increase in home heating oil prices; and many of the folks in the State of Vermont in the Northeast were having a very, very difficult time paying a doubling of the price of home heating oil from just 1 year before. It was a serious crisis. It remains a crisis. And it is no secret that we were not prepared for it.

On February 4, I introduced H.R. 3608, the Home Heating Oil Price Stability Act; and in this short period of time since then, we now have 98 cosponsors, including 24 Republicans and 27 Representatives who are not from the Northeast. So this is a bipartisan piece of legislation. It is a national piece of legislation.

The bottom line is that we were caught unprepared, and the bottom line is that we have got not to be caught unprepared again. A home heating oil reserve of at least 2 million barrels, and that is the legislation included within this bill, would make certain that when the weather becomes very cold, when home heating oil prices zoom up, we will have something to call upon to control the escalating price of home heating oil. And that is what the reserve does. So I think this is a significant step forward in controlling escalating home heating oil prices.

I would hope, as previous speakers have indicated, that we could expand the concept. Two million barrels in the Northeast is a good start. The original legislation calls for another 4.7 million barrels in the Gulf Coast, which is part of what the Strategic Petroleum Reserve is.

My understanding is that the President has the authority, in fact, to do that on his own; and I hope that he will.

The bottom line is that this is a significant step forward in preventing another spike in home heating oil in the Northeast. It will save substantial sums of money for the people in the Northeast and, in fact, for people throughout this country.

I very much thank the chairman and the ranking member and those who have made this legislation possible.

Mr. BOUCHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I use this time to commend my friend and colleague, the gentleman from Texas (Mr. BARTON), the chairman of our energy subcommittee, for his excellent work on this measure. The procedural difficulties that I referenced earlier were not of his doing. I know that, given his way, we would have had a different process and one that I think would have been somewhat more thorough.

I urge my colleagues to approve this measure. It will reauthorize the authority of the President to manage the SPR. That is fundamentally important. I would encourage all Members to support the legislation.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2884, as amended.

The question was taken.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT AS MEMBER TO NATIONAL SKILL STANDARDS BOARD

The SPEAKER pro tempore. Without objection, pursuant to Section 503(b)(3)

of the National Skill Standards Act of 1994 (20 U.S.C. 5933), and upon the recommendation of the majority leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the National Skill Standards Board for a 4-year term to fill the existing vacancy thereon:

Mr. William L. Lepley, Hershey, Pennsylvania.

There was no objection.

SO LONG TO SYLVAN RODRIGUEZ, ONE OF HOUSTON'S NATIVE SONS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me offer my deepest concern and sympathy for the Marines who lost their lives on behalf of this Nation, and to a native son from Houston and his family.

This morning, Mr. Speaker, I rise to salute and acknowledge Sylvan Rodriguez, a ''minister of information,'' a local news anchor for Channel 11 news in Houston, Texas, who passed away last week. Sylvan Rodriguez was an anchor for 23 years, but what we know him most for, those of us who watched him in the community, is as a caring deliverer of the news, someone who believed that the news should be informational but passionate and compassionate.

He died from cancer. The viewers of Channel 11 will miss him and the Houston Community will miss him.

Rodriguez was born in San Antonio, Texas, on March 20, 1948. He came to Houston in 1977. He went to Los Angeles but returned to our Houston family in 1987. He anchored the noon and 6:00 p.m. newscast. He reported on major issues in our community.

He was a founding member of the I Have a Dream Foundation, but most importantly, Mr. Speaker, he loved his family and his community. I salute him and my regrets and sympathy go to his wife; his two daughters; his son; his stepson; and as well his stepdaughter; his mother and three brothers and sister in Louisiana.

Mr. Speaker, we have lost a valued leader, a member of the Houston Community who will be remembered as much for how much he cared for people as for his professional approval to delivering the news to us. Sylvan Rodriguez through his work was a friend to us all, he will be missed by our entire city.

Mr. Speaker, I rise to commemorate the life of Mr. Sylvan Rodriguez, distinguished Houston news anchor, journalist and community activist. Mr. Rodriguez recently passed away after a bout with cancer.

Since the shattering news of his illness, Sylvan showed determination and courage. Instead of turning inward when this disease was diagnosed, Sylvan realized that he could play a special role in educating the community about cancer, its devastation, and one's ability to survive. Sylvan continued to educate the Houston Community about cancer and tirelessly raised funds for numerous charities while still fighting this horrific disease.

More than one of Houston's most beloved news anchor and journalist; Sylvan was a leader in the community and dedicated his life's work to making this world a better place than the way he found it. Sylvan was a very special person and meant a lot to all who knew him. He loved people and he made us better because he educated and challenged us!

At this time, I do not think Sylvan would have wanted the Houston communities to anguish over his passing; instead, he would want all of us to pick up the torch of leadership and responsibility, and work together to ensure that our communities continue to grow and learn from one another, and to continue God's work.

Nevertheless, Sylvan's passing will forever leave a void in all of our hearts in Houston, and throughout the great state of Texas. I hope that in time, his family, friends, and colleagues are comforted by the legacy of accomplishments Sylvan leaves behind. In addition, I hope that fond memories of Sylvan Rodriguez will continue to inspire all who knew him and the Houston community for the future. In closing, I offer my deepest sympathy on Sylvan Rodriguez passing and bid him a fond farewell.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

□ 1800

MICROSOFT BREAK-UP

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, we are a Nation of laws. Without a codified, uniform, and fairly administered systems of laws, American society would be harmed, lives would be ruined and businesses would falter and fail.

I also know that our system is not perfect. Sometimes it is possible for existing laws to be misapplied or misinterpreted. Sometimes it is possible for reasonable men and women to look at the same set of facts and to simply draw different conclusions. And sometimes our very human and very American desire to side with the little guy overwhelms our objectivity and colors our view of the facts; that I believe is happening in the case of Microsoft versus the Department of Justice.

Mr. Speaker, I believe that Microsoft is being unfairly judged, not only in the federal courtroom, but also in the court of public opinion, and I believe this good company stands a chance of being unfairly punished. That is why I am here today to do what I can to stop an injustice from occurring.

Microsoft is the great American success story. Today, it is a company whose products have increased the efficiency of our work force immeasurably. It is a company whose products are used and respected worldwide. It is a company who has shared more of its wealth creation with its workers than any other business in this country. It is a company whose founder has made more charitable contributions than any other business leader in the entire world.

And this American success story is under attack today, because it wanted to offer better products to its customers in order to stay competitive. That seems absurd to me. Even more absurd is the precedent that this decision would set for all of American business, because the attack on Microsoft is not simply an attack on a single very successful company.

It is an attack on the very principles of business competition and technological innovation. It is an attack that threatens to undermine one of the most successful engines of economic growth and technological innovation in our Nation.

One of the first rules of business is to anticipate changing markets, to predict what competitors will do, and try to do better. The way to win in a competitive marketplace is to produce better products more quickly and more economically. That is the basis of our free enterprise system. It is why our economy leads the world, and it is why we are the envy of the rest of the world.

It is a terribly, terribly serious matter for the government to intrude in that process of healthy competition. And it is simply not acceptable or reasonable for our government to seek to destroy a fundamental engine of our economy.

Microsoft is a generous and responsible corporate citizen, one of the most innovative and creative success stories in American history. Microsoft should not be attacked simply because they sought to provide more integrated, advanced, and efficient products to the marketplace, that is what consumers want companies to do. Far from harming consumers, that is what consumers want from products that and the companies that make them.

The theory behind antitrust actions is to prevent monopolistic or anticompetitive practices that could stifle development or competition and thereby hurt the consumer.

I understand that principle, but the key phrase is thereby hurt the consumer. And what is most important to consider here is not whether there is a specific level of competition, but whether consumers have, in fact, been harmed.

It is equally important that we carefully, very carefully, examine the possibility that a proposed response, a proposed response could be more harmful to consumers, more harmful to competition. Let us be clear about something. It is perfectly acceptable to ensure the competition is not unfairly restrained by monopolistic entities. But it is not acceptable, it is not reasonable to use the antitrust process to penalize companies for trying to improve their products for the sake of competitive advantage.

If protecting the consumer is the guiding principle behind antitrust proceedings, it is only fair to ask where the consumers have been in all of this. From the time this process began, right up to the present, there has not been an uprising of consumers demanding Microsoft being prosecuted or penalized.

In fact, consumers use and benefit from Microsoft products every day. And when it comes to choices, consumers have a multitude of choices of various software systems and operating systems.

Competition is alive and well in the software industry. Beyond the matter of choice in consumer satisfaction, it would be difficult to argue that prices have been driven up by Microsoft because every day the price of computer systems and more powerful systems are actually going down.

What is really going on? The case against Microsoft is not fundamentally about protecting consumers, it is really about competing businesses in the States in which those businesses reside seeking to get the upper hand on one another by using litigation where innovation has failed, by using the power of the government to usurp the power of the marketplace.

Our Federal Government should not be party to this, and our government must not stifle competition in the name of protecting consumers. Break up should not be an option.

Mr. Speaker, I have visited Microsoft. I know well the fine work they do, and I know how essential it is for the success of that company that products be integrated. We must not allow break up to harm consumers in the name of protecting them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

(Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMEMORATING THE 85TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, tomorrow evening on this floor there will be a special order commemorating the 85th anniversary of the Armenian Genocide. I will not be present because of a conflict tomorrow evening, and, therefore, I chose this evening to rise in remembrance of all of those who perished during the Armenian Genocide. The commemoration of the Turkish persecution of its Armenian citizens is important because only by educating ourselves about the past can we prevent repetition of similar tragic situations in the future.

April 24 is a special day for the Armenian people. It marks the day that 200 Armenian leaders were arrested in Constantinople and murdered. This was not an isolated incident, rather, it was the beginning of a chain of persecution that had begun under the rule of Ottoman Sultan Abdul.

In just 2 years, between 1894 to 1896, 300,000 Armenians had lost their lives. This event marked the coming of years of oppression, torture and murder for the Armenian-Turkish population.

After Sultan Abdul's reign was over, a new group called the Young Turks came to power. They made pan-Turkism the national ideology, and they set out to rid Turkey of all its minority groups, mainly its Armenians. By 1923, 1.5 million Armenians had been slaughtered and more than 500,000 had been exiled from their homes.

Less than a century ago, the massacre of the Armenian people was unknown to the world. To this day it is still denied by the Turkish government, just as the Nazis two decades later denied the Holocaust. Both of these atrocities could have been prevented, or at least mitigated, if the public had been aware of them. Sadly, it was only after the world learned of the Holocaust and the depths to which human beings could sink in their treatment of each other that the massacre of the Armenian population of Turkey gained attention as genocide.

As we aspire to attain universal human rights for all, we need to have a full knowledge and understanding of the truth. Although we are much more aware of human rights violations, they are still occurring to this day. From the torture of political prisoners, to the Armenian genocide, to the repression of Kurdish people by Turkey and Iraq, to the human rights issues in Kosovo, we can see ethnic cleansing is still in existence. But we can also see the worldwide concern, and we have been able to act to protect innocents.

The denial of this by the Turkish government needs to end and an open and honest acknowledgment of the Armenian genocide must be made before significant progress can be made in Turkish-Armenian relations. To prevent such crimes against humanity from recurring, we must intensify our efforts to establish a growing respect for the truth and oppose and condemn human rights violations wherever they may occur.

THE PASSING OF KENNETH PADDIO AND THE OTHER SOLDIERS WHO PASSED ON THE MV–22 OSPREY TRAGEDY APRIL 11, 2000

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I pay tribute to the 19 remarkable and valiant Marines, who made the ultimate sacrifice for their country this past Saturday. My prayers and condolences go out to their family, friends and loved ones during this difficult time.

I urge all Americans to recognize the enormity of what these fallen Marines have afforded us. Our nation is blessed—providing us with a political system that guarantees each of us life, liberty, and the pursuit of happiness. We are free to speak our minds. We are free to practice our faiths. We are free to travel this great land and be with whomever we choose. These precious gifts of freedom have not come free. They have endured through the blood of American heroes and heroines.

President John F. Kennedy once remarked: "A man does what he must in spite of personal consequences, in spite of obstacles and dangers and pressures, and that is the basis of all human mortality." This quote clearly describes these heroes who risked their lives this past weekend so that our great nation's military readiness remains strong and intact.

These Marines were conducting a standard training mission in support of Operational Evaluation when they MV 22 Osprey aircraft crashed near a municipal airport in Marana, Arizona. These Marines conducted this standard evaluation to ensure that this aircraft was suitable for operation by the Marine Corps.

Fittingly, these 19 soldiers symbolize the commitment and dedication that all of our military forces have displayed throughout history in protecting this great democracy. Whether it be peacekeeping missions abroad or training exercises on American soil, members of our Armed Forces risk their lives to ensure that our democracy is preserved. From the early heroes of the Revolutionary War to those who are currently enlisted in our Armed Forces, millions of Americans have sacrificed their lives to preserve our precious freedom and to meet our commitments to allies around the globe. As a nation, we mourn their loss and we are privileged to enjoy the benefits of the ultimate sacrifice that these men and women in our Armed Forces have made on our behalf.

In addition, I pay additional tribute to Private Kenneth O. Paddio, a resident of the 18th Congressional District of Houston, Texas, and one of the 19 solders onboard this fatal military operation. After graduating High School a year ago, Private Paddio moved to the 18th Congressional District of Houston, Texas to be close to his beloved mother Ella. Truly a remarkable young man, his family and loved ones recall that Kenneth was a "quiet, independent and determined young man who joined the Marines to better himself." On behalf of the 18th Congressional District, we mourn your loss and pay tribute to your heroism.

In closing, I again offer all of the families my deepest sympathy. I hope that in time, you are comforted by the legacy of accomplishments that your loved ones have left behind. May God bless you all.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PEASE) is recognized for 5 minutes.

(Mr. PEASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE LATE HERMAN B. WELLS, LIVING LEGEND OF INDIANA HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, last month Indiana lost a favorite son of great distinction, a living legend of Indiana history. I rise to acquaint the larger world with Dr. Herman B. Wells of Indiana University who died at the age of 97.

The standard details of his life mark great attainment: Economics professor, then Dean of the Business School, he became President of the University in 1937, and served until 1962. Then, retiring not at all, he continued his service as Chancellor of the University until his death. Were that all there was, he would be worthy of great honor.

But there was more, marking his true greatness: he gave himself to the University and to its many thousands of students, leading learning and leading change in important ways. He protected controversial research; he developed a world-class school of music; he used his personal power to roll back racial discrimination at the campus; he helped the school to integrate its basketball team; and, friend and counselor to generations of students, with his counsel he helped make Indiana and the Nation a better place.

In our loss of Herman Wells, Indiana has lost a towering figure of American higher education.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF 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 Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

100TH ANNIVERSARY OF UNITED STATES SUBMARINE SERVICE AND VETERANS HEPATITIS C EPIDEMIC

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I rise to honor men who bravely served the United States in our most trying times as a Nation. Today marks the 100th anniversary of the U.S. submarine force. Will Rogers once said, ''We can't all be heroes because somebody has to sit on the curb and clap as they go by. Today we applaud the heroes and we honor fellow submariners who remain on eternal patrol. May we never forget them and their brave deeds.'' Those are the words of Mr. Rogers.

The thoughts of Will Rogers live with us today. During the most serious challenges our Nation has faced, the men of the submarine service did their jobs above and beyond the call of duty. They were essential to creating victory in war and remain essential to keeping America strong in peace. War fought under the sea developed its own physics and harsh realities completely different from the experiences of any soldier who came before them. These men placed complete and total trust in their skippers and their skippers had to have the same faith in their men. During World War II, the price they paid for their successes was heavy. The submarine service carried the highest mortality rate of any U.S. service, more than a 20 percent loss of life. However, one has only to look at the statistics to see how effective our submariners really were. With only 1.6 percent of all Navy personnel, the submarine service sank over 55 percent of all Japanese ships sunk in the war, including one-third of all Japanese Men-of-War.

President Roosevelt when he was secretly told of the success of our submarines said, ''I can only echo the words of Winston Churchill: 'Never have so many owed so much to so few.'" Those lost on submarines in the line of duty for their country will never be forgotten. We must not forget those who still serve in the silent service. Happy birthday to the U.S. submarine force.

Mr. Speaker, I also want to speak about something else that is important to all veterans in this Nation. I want to speak about what the Department of Veterans Affairs has described as an epidemic. I am talking about the staggeringly high infection rates of hepatitis C among our country's veterans population.

□ 1915

Hepatitis C is a fatal disease that can incubate for over 30 years before any symptoms occur. Over 70 percent of those Americans infected with Hepatitis-C are unaware that they even carry the virus. Treatment and testing are both available through the Veterans Administration for any veteran who believes that he or she is at risk.

I am told that my area of the country has a 28 percent infection rate among veterans, while the general population experiences a 1.8 percent infection rate. I represent the greater New York area. With a 28 percent infection rate, I call upon our veterans to be aware of this.

In my hand I hold a very simple home test kit for Hepatitis-C, and I am calling on all of our veterans to try to get tested. The veterans can get one of these test kits if they go to a VA hospital or if they contact the American Liver Foundation at 1–800–GO-LIVER for information about these testing programs.

Testing is very easy. It is a four-step process. It is very, very simple. First you pick up the phone and you get a personal ID number, then you take your sample, it is only one drop of blood, and you mail it in a pre-paid envelope. Ten days later you call for a completely confidential result.

It is important that every veteran who has been exposed to any blood-to-blood contact pick up one of these Hepatitis-C check kits and call 1–800–GO-LIVER or go to their VA hospital, because it is important, especially in our greater New York area, that the veterans in that area get tested. Please get tested, especially if you are a veteran, before the symptoms of severe liver disease begin to show themselves. By the time that they do, it is almost too late.

LOWERING THE COST OF PRESCRIPTION DRUGS IN AMERICA

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an important issue that more and more Americans are concerned about, and that is the high cost of prescription drugs here in the United States. I want to show a chart that reflects just how severe this problem is.

This chart talks about one of the most commonly prescribed drugs in the United States, called Prilosec. It is a drug that deals with a gastrointestinal problem of too much acid. If you buy that drug, a 30-day supply in Minneapolis, Minnesota, it will sell for about $99.95. Now, if you happen to be vacationing in Manitoba, in Winnipeg, Manitoba, you take exactly that same prescription into a prescription supply of some kind, a drugstore, you will be able to buy that drug for $50.88, exactly the same drug, made in exactly the same plant, same dosage, everything. But, interestingly enough, if you take that same prescription into a drugstore in Guadalajara, Mexico, you can buy that drug for $17.50.

Mr. Speaker, this is the day and age of NAFTA, the North American Free Trade Agreement. Goods and services are supposed to be able to go across our borders freely. That is true of almost every other product, except drugs.

We are not alone in saying that prescription drugs have gone up a lot. Our own estimates by our own government say that over the last 4 years, prescription drugs here in the United States have gone up 56 percent. Last year

alone they went up 16 percent. Talking about these differences, just between Minnesota and Canada, one of the HMOs in Minneapolis estimates if they could simply buy their drugs for their HMO Members, subscribers, in Manitoba, they could save over $30 million a year for their subscribers. We are talking about real money.

Mr. Speaker, it is clear that we need to do something. The Canadian government itself has done its own study, and this is the latest study comparing drug prices in the United States to drug prices in Canada. Again, this is for exactly the same drugs. They estimate the last year that they had the figures that the differences are over 50 percent, the difference between the drug prices in Canada and Mexico.

There is another group out of Utah, the Life Extension Foundation; and every Member, if they will contact my office, we will send them one of these brochures. They have done a beautiful job of differentiating the price differences between us and Europe, for example.

Let me read some differences in drug prices. A very commonly prescribed drug, Premarin, in the United States two capsules will sell for $14.98 on average. In Europe, they pay only $4.25. Synthroid, another commonly prescribed drug, the United States price, $13.84. In Europe they can buy it for $2.95 equivalent. Coumadin, this is a drug that my dad takes, a blood thinner, in the United States that drug sells for $30.25. In the European market it sells for $2.85. Mr. Speaker, this goes on and on and on.

Now, I believe the drug companies have to be allowed to make a reasonable profit. We understand that they have to have reasonable profits if they are going to plow it back into research. But the unvarnished truth is that American consumers are paying most of the freight for the research being done; and worse than that, we are paying for most of the profit.

There is an answer. I have a bill, H.R. 3240, which would allow importation of drugs that are approved by the FDA.

Mr. Speaker, it is clear that we should do more to make prescription drugs available to seniors who cannot afford them. But we should not be foolish enough to do nothing to make those drugs more affordable for all Americans. We should not allow our own FDA to stand between Americans and lower drug prices.

I hope all Members will join me in supporting and cosponsoring H.R. 3240.

Once again, Mr. Speaker, I remind Members if they would like a copy of this brochure, they simply have to call my office. We will send it out to them. It explains better than I can why it is important that we allow markets and competition to bring drug prices into line here in the United States.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROJECT EXILE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maryland (Mr. EHRLICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, my good colleague, the gentleman from Colorado (Mr. TANCREDO) will join me in this special order. I welcome my colleague.

Mr. TANCREDO. I thank the gentleman. It is a pleasure to be here.

Mr. EHRLICH. Mr. Speaker, we have a very important topic this evening, Project Exile, a bill that passed on the floor of the House today by an overwhelming majority on the Suspension Calendar, something I know that pleases the gentleman, pleases myself, and should please our respective constituents and the people of the United States of America.

My personal experience with this program, Mr. Speaker, began about a year and a half ago when a member of my staff came in to me and expressed frustration about my frustration concerning the fact that on gun control debates, we always talk by one another. We could not get anything done, and the PACs and interest groups raised money, and that helps politically, but it does not hit the bottom line, which is bad guys with guns.

I heard about Project Exile, and he said, and this was a former Baltimore county detective, and he said I am going to go find out about this program. I said, Go for it. We found out about Project Exile and took a bipartisan group of Maryland State legislators to Richmond, Virginia, and talked to the attorneys down there, and talked to the street cops; and we talked to the Federal prosecutor and the business community and NAACP. We talked to everybody, and, you know what? It works. It works, because it is common sense.

This is an interesting initiative, because rarely do you hear the NRA and handgun control supporting the same gun-related initiative. It is certainly working in Richmond, it works in Virginia, it works in New York, it works in Texas, and now hopefully around the country, given what we passed on this floor today.

I also heard during the course of the debate today some unfortunate mischaracterizations from the minority party. The two that really came to mind was, one, who supports this program. The observation was made that this is an NRA initiative. It is only the NRA. Of course, as I just said, it is also supported by the handgun folks, handgun control. It is the right and left coming together to get something done for a change.

Finally, the representation was made that this money could be wasted on all sorts of frivolous activities, and the fact is the bill specifies how the money can be used with respect to police, prosecutors, courts, probation officers, the juvenile justice system, prison expansion, criminal history, records retention, case management programs, innovation, crime control, the bottom line.

I personally want to congratulate the gentleman from Florida (Mr. MCCOLLUM) who has been a great leader in this effort, who brought this issue to the national limelight, in conjunction with Governor Gilmore and other members of our conference. I truly believe that this is a logical follow-up to Truth in Sentencing, another issue initiative initiated by the gentleman from Florida (Mr. MCCOLLUM) some years ago.

Mr. Speaker, I want to recognize my colleague from Colorado, I know who has some salient observations to make about this common sense approach that targets gun-toting felons, people who should not have guns in the first place, and, when caught, sentences them, exiles them to either Federal time if the State status is not in place, or State time if the State legislatures have really gotten on board with respect to Project Exile.

I recognize my colleague.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman; and I appreciate the opportunity to share a few thoughts about this.

In many ways our experience was the same in terms of how we came to know this issue. I was reading a newspaper article out of Virginia where they had arrested a suspect for possession of narcotics. The amount of narcotics in the possession of this individual was quite significant. It was not just a baggy; it was like a truckload.

In the past, any time that this kind of thing had happened before, any time that an individual with this much narcotics in his possession had been arrested, they had found a weapon with him. So they kept looking, because the police naturally assumed that he had to have one. When they did not find it initially, they kept pressing. Then they kept pressing him as to where it was, essentially why he did not have it. This went on for hours.

Finally, the suspect, frustrated at being pummeled by the police, figuratively speaking, said, ''It is 5 years, man. It is 5 years, man.'' What he was, of course, saying to the policemen was that he had gotten the message, the message of Project Exile. If he had been caught with a firearm in the commission of the crime, in this case transportation of illegal narcotics, he would get a minimum of 5 years tacked on to anything else that he ended up with.

Now, here was a, I cannot say convicted, but a suspect, someone who had been arrested, explaining it essentially to the rest of the world as to why he did not have a firearm in his possession.

At that point in time when I read that article, I thought to myself, you know, this is pretty common sense stuff. No wonder it is so hard for many of us, maybe in the Congress of the United States or in the administration, to actually come to grips with the possibility that this could work.

What we are saying to people, make it clear here, what Project Exile is saying, whether it is in Richmond, or now in Denver, Colorado, or in the other places that my colleague mentioned, what we are saying is if you use a gun in the commission of a crime or if you are in possession of an illegal firearm, you are going to look at hard time and you are going to look at a minimum of 5 years, and you are not getting out of it.

Lo and behold, when you put this into effect, surprise, surprise, levels of gun violence begin to go down. They have gone down in Virginia; they are going down every place else where this has been put into place. So it is not theoretical. This is empirically proven to work. Again, it is such common sense stuff that you wonder why people have not really kind of warmed up to it.

I wonder certainly why some of our colleagues from the other side today were so adamant in their opposition to it. I wondered why, frankly, as I was driving over here, I heard on the radio that the President of the United States referred to this bill, to the passage of it today, as a cruel joke. A joke.

Well, let me tell you what the joke might be. It just may be, Mr. Speaker, that we have a joke being perpetrated on the American public. But it is not this bill. Let me tell you what that joke may in fact be.

□ 1930

It may be the allusion to a desire on the part of the minority party and on the part of the President of the United States to actually have something work, to actually get to a solution; not the ultimate solution, of course. I am sure, even if we put this in place in every city in America, that there would still be some aspect of gun violence, but this is a positive step that we know works.

Why would we be opposed to this? Why would we refer to it as a joke if in fact we really want a solution? But maybe, just maybe, that is the joke, that some people in this body and maybe even the President of the United States in fact do not want a solution, they want an issue to continue to debate into the campaign. If that is true, it is a cruel joke.

But I will tell the Members what this bill is not: This bill is not a joke. This bill provides financial support to communities all over the country to do something about gun violence.

Mr. EHRLICH. The gentleman's point is very well taken, Mr. Speaker. It may not just be the agenda of the left. That may be the reason they do not like Project Exile, because to the extent Exile works it takes some steam away from their true agenda, which is gun control. Reasonable people will agree or disagree on gun control, but we are talking about crime control.

So I think the gentleman's point is very, very well taken and well articulated.

Mr. Speaker, I love the way the gentleman found out about it, because we have all found out about it through the press, because they have done a pretty good job in publicizing Project Exile. What I like is the multi-tiered approach. We start out federally but go to State legislatures, ask them to pass laws, which is what today's bill is all about. If we do the right thing, there are the dollars, so resource is really not an issue.

What struck me about Richmond is the lack of ego of State prosecutors and Federal prosecutors. They work together. They divide up the case. They sit down on a weekly basis and divide up the cases as a function of which bad guy is going to get hit hardest in which system; a terrific idea, a lot of common sense.

Probably the best part of Exile is the private sector. It is not government money that funds the communications effort, it is the people whose livelihoods depend upon safe streets. It is asking them to invest in their own communities, what the merchants in Richmond, Virginia, and now all over the country and in Denver have done, come up with the dollars, put their money where their mouth is, fund the communications effort in order to educate that relatively narrow group of bad guys who have guns, who shoot other people, who make us less free.

Is this not a great idea?

Mr. TANCREDO. If the gentleman will continue to yield, Mr. Speaker, it is such a good idea and so bipartisan in its original intent that in Colorado, actually, and this is another interesting point, Mr. Speaker, the President of the United States today, as I say, called this a joke. Yet it is in fact his U.S. Attorneys who have put this in place in Richmond, Virginia, and in Denver, Colorado, attorneys appointed by this administration who do not believe that it is a joke, who believe that it is in fact a very good program.

When we inaugurated this in Denver, I was there. I was invited to participate in the kickoff of the program. On the stage were a lot of individuals, but just let me name two. One was Jim Brady and one was Wayne LaPierre, the head of the NRA, and Mr. Brady, of course, the unfortunate victim of an assassin's bullet who now, of course, is doing everything possible to bring about gun control legislation. Both of them were on the podium supporting Project Exile.

Mr. Speaker, I wonder if the President would actually consider going to Mr. Brady and telling him that Project Exile is a joke. I doubt it. I doubt that he would do that, because in fact we know that this is not a joke. This may in fact work.

Mr. Speaker, here are the Federal laws on guns. Here are the Colorado laws on guns. The point I make here, Mr. Speaker, is that it is not a lack of inventory that is the problem. I am not saying that maybe other gun laws would not be necessary. I am not saying that. I have actually voted on this floor, I have voted for other gun laws. I voted for the juvenile justice bill. Actually, it went down. I voted for it. I believed that those would be positive steps. So I am not telling the Members that nothing is necessary.

However, I am saying that no one could suggest for a moment that it is a lack of gun law inventory that is the problem, that is causing all of the problem in America with regard to gun violence. It has been a problem with regard to enforcement. That is where we are. That is where we are coming down with this issue of Project Exile. We are telling people that we are in fact going to begin to enforce the laws on the books; again, a very logical, commonsense approach that is no joke.

Mr. EHRLICH. The President's words are profoundly disturbing, but when we are a press release politician, of course, the act is done when the press conference is over. Forget about the laws. I could do the same pile of papers in the State of Maryland, and I am sure all my colleagues could do with their respective States.

I think the gentleman's point is so well taken. I hope the President did not mean what he said, because, as my colleague rightfully points out, many, not all, not in Maryland, but many of his U.S. Attorneys, particularly in Richmond, were the driving force behind Project Exile.

Just as a bottom line, when we think about it, we take a situation where egos do not matter, unbelievable in this town, but we force people to cooperate. Who cares who gets the credit. It is the bottom line, the bad guys. So we take egos and put them aside.

Then we target not nonviolent criminals, not even some violent criminals, but we target the most dangerous, people who shoot other people; a rather narrow group as we know, recidivists all, usually. So we target that particular group.

We ask the business community to fund it. We ask the State legislature to pass the laws. We give the resources, as we did today with our Federal bill, to local prosecutors to let them do what they wish with these extra dollars. And what do we get? Safer streets. Look at the dramatic numbers. Look at the results.

It may not be the agenda of some Members in this Chamber, and that is a philosophical orientation. We can debate that until the cows come home, and I am sure we will. But at least let us agree that Exile works. Let us fund it and let us pass it.

I yield to the gentleman from Colorado (Mr. TANCREDO) for a few final words.

Mr. TANCREDO. I sincerely appreciate my colleague's willingness to

bring this point to the attention of our colleagues here, and hopefully to the general public, because this is one of those things that needs greater exposure.

People have to understand what was done today, what was the purpose of this legislation, and what we hope to achieve based upon what has in fact happened where Project Exile has been put into place. Yet, it has been with the support or actually the inspiration of, the idea came from members of the administration who are now acting in the capacity of U.S. Attorneys.

I give them full credit. There is no pride of authorship here. I did not come up with the idea of Project Exile. I wish I had. I did not. I simply am a supporter. A Democrat U.S. Attorney in Colorado held an event that I went to and gave as much support as I possibly could, because it works, because the concept is good.

Again, it is not the only thing we can do, but it is an insult to suggest that this piece of legislation today is anything but an honest attempt on the part of the Members of this Congress to deal with the issue of gun violence in America.

Mr. EHRLICH. I thank my friend. Mr. Speaker, there is no pride of authorship here, just enthusiasm for what works.

Today, Mr. Speaker, six States in this country will qualify for these dollars. Unfortunately, my State, Maryland, would not. Hopefully my General Assembly next session, in the 2001 session of the Maryland General Assembly, will pass the laws needed to qualify for these dollars so Project Exile can be implemented in Maryland and in Colorado and all the States in this great Union.

TRIBUTE TO THE LATE CHEVENE BOWERS KING, A GREAT GEORGIAN

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP. Mr. Speaker, I am honored and humbled to have the opportunity today to take this time with some of my colleagues to pay tribute to the life of a good and a great Georgian, the late Chevene Bowers King.

On last Monday, April 3, this House passed a measure, Senate bill 1567, which designated the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the C.B. King United States Courthouse.

Oh, what a wonderful tribute, what a tribute to a life that has been given in unselfish service for so many people.

Someone wrote the poem:

GOOD TIMBER

''A tree that never had to fight
For sun and sky and air and light,
That stood out in the open plain
And always got its share of rain,
Never became a forest king,
But lived and died a scrubby thing.
A man who never had to toil
By hand or mind in life's turmoil,
Who never had to earn his share
Of sun and sky and light and air,
Never became a manly man,
But lived and died as he began.
Good timber doesn't grow in ease;
The stronger winds, the tougher trees.
The farther sky, the greater length,
The rougher storm, the greater strength.
By wind or rain, by sun or snow,
In trees or man good timbers grow.''

Chevene Bowers King was a man who was great timber, he was good timber, and the legacy that he left in his beloved Southland is one that will be enjoyed and revered and remembered for many, many years to come.

When we talked about introducing the bill to name the courthouse after C.B. King, it was interesting that there were four chief cosponsors, two of them United States Senators from the State of Georgia, Senator PAUL COVERDELL, Senator MAX CLELAND, and two of them House members from the State of Georgia, the honorable gentleman from Georgia (Mr. LEWIS), and myself, SANFORD BISHOP. We introduced bills in both houses to designate the courthouse on Broad Avenue in Albany, Georgia, the C.B. King United States Courthouse.

How ironic it is that two white U.S. Congressmen, perhaps the descendents of slave owners, and two African-American Congressmen, perhaps the descendents of slaves, were able to come together with a common history in our beloved South to give tribute to a man who brought the races together and who helped to break down the walls of racial discrimination.

Just as Robert Benham, Chief Justice of the Georgia Supreme Court, wrote a letter in support of legislation to name the courthouse, he described C.B. King as ''A man who proved to be all things to all people. His vision, innovation, brilliant legal reasoning skills, compassion, and courage led to reforms that impacted not only the good people of the State of Georgia, but the entire Nation.''

He felt that it was fitting that a Federal courthouse is named in his honor. ''His leadership and legal mastery in several landmark cases established a groundwork for school desegregation, voting rights, and jury selection reform. He worked tirelessly to promote equal access to employment, health care, public facilities, and services on a national level.''

□ 1945

There is no finer example of professionalism, he said, than C.B. King, extremely competent, a public servant, community activist, led the fight for the rights of all people; an organizer, a participant, an attorney for the Albany Movement. The Albany Movement was a series of demonstrations and sit-ins held during the early 1960s designed to help end discrimination and segregation in South Georgia and throughout the South.

Dr. Martin Luther King viewed the Albany Movement as a pivotal campaign in the civil rights movement. C.B. King was Dr. Martin Luther King's lawyer, his trusted friend, his confidant. C.B. represented many noted leaders who were forerunners in the fight for equality; and as a result, he motivated countless minorities and women to become part of the noble legal profession.

His shining example has inspired lawyers and judges everywhere. So I am just honored and humbled that I am able to come today to stand here in these hallowed chambers to pay tribute to a man who not only touched my life but touched the lives of so many others across Georgia and across this Nation.

I have been joined by one of my colleagues who knew C.B. as I did, the honorable gentleman from Georgia (Mr. LEWIS). In a moment I will yield to him after I make a few more brief comments about C.B.

Chevene Bowers King was born October 12, 1923, in Albany, Georgia, the third of eight children of Clinton King, owner of an apparel shop and supermarket, and Mrs. Margaret Slater King. He attended Mercer Street Elementary School and Madison Street High School in Albany, Georgia, and after graduation he attended Tuskegee University and then he enlisted in the United States Navy.

After his 3 years of service in the Navy, he enrolled at Fisk University where he earned his bachelor's degree in political science. Pursuing his education further, he attended Case Western Reserve University School of Law in Cleveland, Ohio. He attended Case Western Reserve because for a young black college graduate in the South, there were no law schools for him to attend. So he had to go North.

He went to Case Western. He graduated from law school, but unlike so many who fled the South, C.B. was committed to returning to his homeland to make a difference, to try to break down the walls of discrimination and the racism that inhibited the growth and development of millions and millions and millions of young people. So he returned to Albany, Georgia, and he started up the practice of law.

He married Carol Roumain and he had a family; four sons, Chevene, Jr., Kenyan, Leland, Clennon, and a daughter, Peggy.

C.B. practiced law for many years, and he truly made a difference.

The kinds of cases that C.B. handled are the kinds of cases that inspired us and that ultimately transformed the South from a land that was dreaded to a land of opportunity and a land which now leads the Sunbelt in these United States. C.B. is remembered, perhaps, most for his legal activism in the South. He became the leading civil rights attorney in southwest Georgia, being only one of three African American lawyers in the entire State of Georgia. He worked closely with the local chapters of the National Association for the Advancement of Colored

People and was a cooperating attorney with the NAACP Legal Defense and Educational Fund.

His work spanned the entire range of civil rights litigation. He handled school desegregation cases. He was a lead attorney in the school desegregation cases in Dougherty County, in Georgia, in Muscogee County in Georgia, in Colquitt County in Georgia. He was one of the earlier manifestations of the need for political involvement by African Americans, and he led the fight to ensure the right to peaceably assemble and to demonstrate. He led the fight to allow African American voters and candidates for office to not be subjected to unconstitutional segregation and discrimination, whether it be on the registration being denied the opportunity to register to vote or being forced to vote in separate voting booths.

C.B. led the fight for voting rights and political rights. Not only did he lead the fight in terms of voting, in terms of desegregation, but he also, in the halls of justice, saw injustice when women and African Americans were denied the right to serve on juries. So he went into the Federal courthouse in Albany, Georgia, and attacked these matters. As a result of several of these jury discrimination cases, in Mitchell County, Quitman County, Dougherty County, Terrell County, Baker County and indeed in the Federal court system there in the Middle District of Georgia, he led and successfully opened the opportunity for blacks and for women to serve on juries.

Of course, it is interesting that he also expanded his civil rights struggle to block discrimination in employment, particularly public employment. The city of Albany, he handled that case. He was known as a legal scholar. He was an excellent orator. He had a royal presence, and he brought an intensity to the civil rights movement. I am just honored and delighted that this House and this Nation has finally recognized the legacy and the contribution of this great Georgian.

Mr. Speaker, at this time I yield to my colleague, the gentleman from Georgia (Mr. LEWIS), a son of the South, a product of the civil rights movement, who knew C.B. King as I did on a personal basis and who has personal experiences and a personal legacy that he can relate regarding C.B. King. At this time I would like to yield to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, the gentleman from Georgia (Mr. BISHOP), for yielding and for bringing to the attention of this body and to our Nation the life and times of C.B. King.

C.B. King possessed a gifted legal mind. He was an amazing member of the bar. C.B. King combined a flare for words with the unique ability to talk to people from all walks of life. He could give simple legal advice to a poor client and a minute later force a judge to dust off his dictionary. Along with other lawyers in his staff like Fred Gray of Montgomery, Arthur Shores and Peter Hall of Birmingham, and Jack Young of Jackson, Mississippi, C.B. King used his gift to bring about a nonviolent revolution under the rule of law.

In the struggle for civil rights, even the shield of law was often not enough. Despite intimidation and the attacks, C.B. King refused to retreat from his principles. When a cane-swinging Albany sheriff split his head open for showing up at the local jail to meet a client, C.B. King refused to back down. When his pregnant sister-in-law lost her child after being slapped and kicked by police during a protest in South Georgia, C.B. King refused to back down; and when his brother Preston King was forced to flee the country rather than be unjustly imprisoned, C.B. King refused to back down.

C.B. King came by his resolve honestly. He often compared his father's determination to that of Hannibal, the general who led his troops on elephants across the Alps. Like his father, C.B. was driven and he paid little mind to long odds.

In 1970, I recall C.B. King became the first black person since reconstruction to run for governor of Georgia. I had the great honor of hosting a fund-raiser for him that summer in the backyard of my home. C.B. King did not win the governor's office but he did win hundreds and thousands of followers and friends, and C.B. King understood that one had to plow the field before they planted the crop.

C.B. King plowed that field and the seeds of change were sown in his wake. Today I stand as a Member of Congress with my colleague, the gentleman from Georgia (Mr. BISHOP), as a living legacy to his struggle. I owe him a great deal of gratitude. I think we all do. So tonight I must thank my colleague, my friend and my brother, the gentleman from Georgia (Mr. BISHOP), for offering the legislation to name a courthouse in honor of C.B. King.

C.B. King would be very proud of the gentleman from Georgia (Mr. BISHOP) and the way he represents the good people of South Georgia. So it is fitting that the gentleman leads the effort to honor this legend of the Georgia bar, this humane and good man that helped to make our Nation a different place, a better place. I can think of no better tribute than to name a courthouse in C.B. King's honor.

The mention of C.B. King's name once prompted an undertaker who was busy burying one of C.B.'s brother to pause, look down at C.B. King's simple headstone and a family plot and say, He was something else.

I have to admit I could never have said it any better because he was something else.

I thank my friend, the gentleman from Georgia (Mr. BISHOP), for holding this special order.

Mr. BISHOP. Mr. Speaker, I thank the gentleman from Georgia (Mr. LEWIS), my good friend and a friend of C.B. King. I found it so very interesting that the gentleman and I, both natives of Alabama now residents of Georgia and Georgia citizens, have now begun to live out the legacy of C.B. King.

Interestingly enough, for C.B. fighting for voting rights, for the end of segregation in voter registration, the end of segregation in the voting booths in Georgia, South Georgia in particular, that was not enough for him. He thought that the transformation could not just stop at the courthouse doors. So as the gentleman pointed out, he demonstrated for us that it was possible for us to run for office.

He ran for President in 1960 and he ran for governor in 1970, and in 1964 he ran for Congress in the Second Congressional District, the seat that I now hold. It is also interesting that at the same time C.B. King was contesting the Georgia primary in 1970, one of his opponents was Jimmy Carter, who was then running for governor. C.B. did not win the primary. Jimmy Carter ultimately did and became governor, but there were hundreds of thousands of people all across the State who gained a new respect for C.B. King and for the fact that there was an articulate orator, eloquent, debonair who could use polysyllabic words in a way that none had been heard on the campaign stumps in Georgia. When he did his televised debate, we all were proud knowing that perhaps he would not win but he represented us well. So he planted the seed for us that, yes, one day it is possible that we might not only run but we might win. For that, we all owe C.B. King a debt of gratitude.

□ 2000

I was contacted by a constituent after the naming of the courthouse where C.B. King was introduced and it appeared in the press. I received afternoon e-mail from a constituent who was very irate, who just did not think that it was appropriate for that courthouse to be named after C.B. King.

I was struck, but then I understood that, perhaps, there are so many in our beloved State of Georgia, so many across the Nation who really do not fully understand the tremendous import of the life and career that this man had in transforming our native Georgia into the place that it is now, not perhaps as perfect as we want it to be, but certainly so much better than it used to be, better because of the life of C.B. King.

I responded to this constituent by reminding him that it was C.B. King's accomplishments, peacefully utilizing the Constitution and the laws of the United States to assure equal opportunity under the law for all Georgians regardless of race.

I reminded this constituent that it should never have been an issue, that given the course the history of slavery and Jim Crow, segregation, discrimination, the Civil Rights Movement, and

eventually the successes and the acknowledgment by the courts that all Americans of all races must be afforded equal rights under the law, that C.B. King had, indeed, made a positive difference.

I raised the question, what would southwest Georgia be like had C.B. King not challenged the status quo in Federal court and forced desegregation of the public schools and many of our south Georgia school systems.

Had he not gone into that Federal courthouse in Albany, Georgia, would we ever have seen the talent of a Herschel Walker, the talent of a Charlie Ward, or the talent of a Judge Herbert Phipps who now sits on the Georgia Court of Appeals, or a Robert Benham who is chief justice of the Georgia Supreme Court.

Had C.B. King not gone into Albany's Federal court to force the City of Albany to comply with laws prohibiting discrimination in employment based on race, creed, color, religion, or sex under Title VII of the Civil Rights Act of 1964, Albany and many south Georgia municipalities would have been deprived of the talents of countless African American public sector employees, such as the current city manager in Albany or the police chief or the fire chiefs, and many, many, many others who have served in various capacities in the public sector.

This was a milestone in the history of the south. It was a milestone in south Georgia. It was the life and the efforts of C.B. King that really made it possible.

What kind of justice system would we have in southwest Georgia if C.B. King had not gone into our Federal courthouse to end the age-old practice of excluding blacks and women from serving on juries in State and Federal cases?

What if C.B. King had not been there to have our Federal courts protect the rights of citizens of all colors to peaceably assemble and petition their government, to be free of discrimination and voter registration in the voting booth and in running for office?

Indeed, I, the gentleman from Georgia (Mr. LEWIS), the gentleman from South Carolina (Mr. CLYBURN), the gentleman from North Carolina (Mr. WATT), and many of the members of the Congressional Black Caucus would not be here serving in this body, and many thousands of others would not be serving in municipalities, on school board, in the State legislatures all across the south had it not been for the work of C.B. King.

I have been joined by the distinguished gentleman from South Carolina (Mr. CLYBURN), another of my colleagues who was a part of the movement, who even participated in the Albany Movement, who knew C.B. King, and who has gone on to, in the legacy of C.B. King, distinguish himself. He is the chairman of the Congressional Black Caucus. He perhaps, as well as any, knows, feels, experienced, and has lived the legacy of C.B. King.

Mr. Speaker, I am delighted to yield to the gentleman from South Carolina (Mr. CLYBURN), my friend and colleague.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Georgia so much for yielding me a few moments to speak about that period in our lives that tend to mold and make us what we are today. I often reflect upon my childhood growing up in South Carolina.

I remember when I was but a teenager, when my mother, who owned a beauty shop, came one day and asked that I accompany her to the Sumter County, South Carolina courtroom because she wanted me to see some transformation taking place in our State and Nation.

When I went down that day, I had the great honor of watching in utter amazement a great South Carolinian, Matthew Perry, who was arguing a case called Nash against the South Carolina Conference of Branches of NAACP.

My mother wanted me to see Matthew Perry because she said to me on that day, ''I want you to see what you can be if you stay in school, study hard, and grow up to live out your dreams.'' I always held that day with me as I went away to college at South Carolina State University.

It was in my junior year that I was bitten by the bug that we all call the Student Movement. In the spring of my junior year, I went to Raleigh, North Carolina where I joined with other black students from all over the country in trying to fashion a response to what had just taken place in February of that year at North Carolina A&T University.

That following fall, we all met in Atlanta, Georgia. I will never forget the weekend, October 13, 14 and 15 of 1960. It was that weekend that I met the gentleman from Georgia (Mr. LEWIS), and so many others. There we were fashioning what later became known as the Student Nonviolent Coordinating Committee. Many of us on that weekend met for the first time Martin Luther King, Jr.

It was in discussions that took place there that we learned at his knee. I will never forget sitting up all night in a dormitory, I never remember the name of the dormitory there at Moorehouse College, where we sat with Martin Luther King, Jr. all night until 5:30, 6:00 a.m. in the morning, as he tried to get us to understand his nonviolent philosophy.

It was from there that many of us followed him to Albany and the now famous Albany Movement where I first had an encounter, and I did not know really who he was at the time, I now know, and of course I have known for some time, that it was C.B. King.

So when I saw that the gentleman from Georgia (Mr. BISHOP) had introduced legislation to name a courthouse in the State of Georgia in honor of C. B. King, I began to think about all of that.

Of course those of us in South Carolina, we always looked upon what was going on in Atlanta and Georgia, at those guys as being the forerunners in so much of this. But I teased the gentleman from Georgia (Mr. BISHOP) over the last few weeks about having come here with him in 1993 and having vowed when I got here that the very first thing I was going to do was to erect in my own way a memorial to that period in my life that meant so much to me and now my children and grandchildren.

I did that by introducing as my first piece of legislation a bill to name the new courthouse plan for Columbia, South Carolina in honor of Matthew J. Perry. That bill is now law. We are getting ready to break ground on that courthouse, and that courthouse is going to be named for Matthew J. Perry. Now Matthew's name is going to go on the courthouse a little bit later. C.B. King's name will go on the courthouse in Georgia.

But for the first time in our lives, I got out in front of the gentleman from Georgia (Mr. BISHOP) on something with connection with that period in our lives.

But it is important to him to memorialize the life of C.B. King in this way, just as it was important to me to memorialize the life of Matthew J. Perry. Because in that period of our history, we see a lot going on today that people sort of take for granted.

But at that period, in 1960, 1961, 1962, those men and women who took it upon themselves to represent us as we filled up the jails all over the south, many times took their own human safety into their hands.

I still remember another attorney from Columbia, Boulware. Boulware was kind of interesting. Boulware, on one instance, I think it was Greenwood, South Carolina, had to be smuggled out of town in the trunk of his automobile.

This is what C.B. King, Matthew J. Perry, and many others across the south, practicing attorneys had to endure in order to lay the groundwork that eventually led to many of the court decisions that eventually brought many of us here to these hallowed halls.

So to be here this evening to participate in this special order is something that I find very, very satisfying to me, because it tends to bear out a little admonition that my mother laid on me when I was about 12 years old when I was saying to one of her customers in the beauty shop, it was a long-time family friend, what I wanted to be when I grow up. I told that young lady on that day about my dreams and aspirations to be involved in the body politic of South Carolina and this Nation. On that day, that lady said to me, ''Son, don't you ever let anybody else hear you say that again.''

On that evening, my mother said to me, as she brought me to the kitchen table and told me not to pay any attention to what I had been told in the

beauty shop that day, for me to hold fast to my dreams. As I later read from National Views, ''For if dreams die, life is a broken winged bird that cannot fly.''

□ 2015

I held to those dreams. And with my mother's love, my father's support, that of family and friends, and with the hard working sacrifice of the C.B. Kings of the world, I was able to get here as a Member of this august body.

To have this courtroom, this courthouse, named for C.B. King, as we are doing in Columbia for Matthew J. Perry, these are living memorials to a period in our history that makes this country get closer to living out its great dream for all of us, to fulfill all that we can be.

So I am pleased to be here tonight to participate in this special order, and I thank my good friend, the gentleman from Georgia (Mr. BISHOP), for having the wisdom and the fortitude to honor this giant among men, C.B. King, in this way.

Mr. BISHOP. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman from Georgia (Mr. BISHOP) has approximately 22 minutes.

Mr. BISHOP. Mr. Speaker, at this time I am delighted to yield the gentleman from North Carolina (Mr. WATT).

The gentleman from North Carolina, as I was in my life before coming to Congress, was a practicing attorney. In fact, we both were civil rights attorneys. We both shared an experience as Earl Warren Fellows of the NAACP Legal Defense and Education Fund. In that capacity, we attended biyearly conferences where we were studying the recent developments in civil rights law.

The gentleman from North Carolina, of course, was with one of the most, if not the most, prominent civil rights law firm in Charlotte, North Carolina, Chambers, Stein, Ferguson and Lanning. And I, of course, was in Georgia, after leaving New York, practicing there in Columbus, Georgia.

I met the gentleman during those years, 1971–1972. All up through the next 10 years we would run into each other at least twice a year as we labored in the vineyards of civil rights litigation across the south, and as we came to Airlie House in Warrenton, Virginia to meet with stalwarts like C.B. King and Julius Chambers. The gentleman from North Carolina knew C.B. as I knew C.B., and I am delighted to yield to him.

Mr. WATT of North Carolina. Mr. Speaker, I want to put a slightly different spin on this this evening, because I was wondering, when they write the history of the 20th Century, what will they write? When they write the history of the Civil Rights movement, what will they write?

They, obviously, will write about Martin Luther King and Fannie Lou Hamer and the tremendous sit-ins and the movement. But I submit to my colleagues that if they write an accurate history of that period, they will write about Thurgood Marshall and Jim Nabrit at the NAACP Legal Defense and Education Fund; they will write about Julius Chambers and James Ferguson in Charlotte, North Carolina; they will write about Matthew Perry and Ernest Finney in South Carolina; they will write about Avon Williams in Nashville, Tennessee; they will write about Don Hollowell and Howard Moore in Atlanta, Georgia; and Jack Young in Mississippi, and Arthur Shores and Fred Gray in Alabama; and, of course, they will write about C.B. King in Albany, Georgia.

Everybody that I have named, almost one black lawyer per State, maybe two in some instances, were the people who were not always participating in the sit-in demonstrations because somebody had to be out there available to go and make the legal arrangements to get those people out of jail after they got locked up. They had to represent the demonstrators. They had to be in the courtrooms after Brown versus Board of Education said ''You shall desegregate the schools with all deliberate speed.'' And the deliberate speed took 10 years and 15 years.

These lawyers had to be showing up in court to convince southern jurors and southern judges, who did not want to implement what the United States Supreme Court had said in Brown versus Board of Education. They wanted it to take place with the kind of ''all deliberate speed'' that would have still had us trying to desegregate the schools today. But these lawyers, these fearsome lawyers, were in there fighting for justice. Quietly sometimes. Sometimes with very soft voices, as Julius Chambers always had. Sometimes with that big bass voice, like C.B. King, who could just as well have been a Southern Baptist preacher with a booming voice like that.

That is what I remember about this man who was about the size of the gentleman from Georgia (Mr. BISHOP). He was not a big guy, but he had that big magnificent voice. And he had a sense of timing and understanding of what was needed in the Civil Rights movement, and no less commitment to change than any of the people who were demonstrating in the streets. But the knowledge that he had, the skills and training and education, would make our legal system and the laws live out the promise that the constitution had committed to us.

And all of these wonderful lawyers, Julius Chambers, James Ferguson, Matthew Perry, Ernest Finney, Avon Williams, Don Hollowell, Howard Moore, Fred Gray, C.B. King, all of them had one thing in common: They would stand before a judge, sometimes be called all kinds of names that we dare not mention in this chamber today, but they would stand firm in the eye of the legal storm that was taking place. They would strategize. They would always be there.

So it is from that angle that I give my high tribute to all of these wonderful people, the lawyers whose story may never be written, certainly will never be written in an adequate fashion, because they were the people behind the scenes. But for these brave people, the Civil Rights movement and the changes that we have experienced, indeed our very presence here in this Congress of the United States, would never have occurred.

I commend my colleague for doing this special order. I commend the gentleman from South Carolina (Mr. CLYBURN) for his tribute to Matthew Perry. I commend the gentleman from Georgia (Mr. BISHOP) for his tribute to C.B. King and for naming these buildings for them. And I hope that we will give them the kind of justice they are due when the history books are written about the 20th Century and the Civil Rights movement.

Mr. Speaker, I yield back to the gentleman.

Mr. BISHOP. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT), Lawyer WATT.

I truly can say that the Matthew Perrys, the Donald Hollowells, the Avon Williamses, the John Walkers in Arkansas, the Jack Ruffins of Augusta, Georgia, the Horrace T. Wards in Georgia, all of these have been inspirations to us. The late Tom Jackson of Macon, Georgia. They were dignified. They were fearless. They were courageous. They were intelligent. They were lawyers' lawyers. They were committed to upholding and defending the dignity of the common man, the black man, the black woman, the disenfranchised. They were true advocates. And for them, and the likes of C.B. King, we are grateful.

Mr. Speaker, I am happy to yield to the distinguished gentlewoman from Houston, Texas (Ms. JACKSON-LEE), who was also an Earl Warren Fellow, and who grew in the legacy of these great legal giants like C.B. King; and who, like those of us who have spoken before her this evening, are living the legacy of their hard work.

I am delighted to yield to her to hear her perspective on this great legal giant Chevene Bowers King.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Georgia (Mr. BISHOP), Mr. Speaker, and I would say to him and to the gentleman from Georgia (Mr. LEWIS), and to the gentleman from North Carolina (Mr. WATT), and to the gentleman from South Carolina (Mr. CLYBURN) that as the gentleman has called the role, C.B. King is smiling.

He is smiling, I say to the gentleman from Georgia (Mr. BISHOP), because the gentleman has come to this place, these hallowed halls and, as he C.B. King has watched the gentleman legislate, as he has watched the gentleman

advocate, he is smiling to see that, in the tradition of a lawyer's lawyer, the gentleman has made his work to be not in vain.

□ 2030

I thank you for your leadership. I thank you for honoring C.B. King, both in terms of a fixed memorial in Georgia and for this special hour.

I had the pleasure of being one of the beneficiaries, as so many who are unnamed and who are not here, of the kind of legal activism of a C.B. King, so I could not miss this opportunity to cite him as one of the soldiers who complimented the activism of a John Lewis and a Martin King.

I marched with the gentleman from Georgia (Mr. LEWIS) in a re-commemoration of the Selma to Montgomery march. The marches I had were slightly different from those that were experienced by Martin King and John Lewis and Jose Williams and many others of the SCLC and SNCC. We engaged in the Black Student Movements in the institutions in the North throughout the 1960s and the 1970s.

I think the specialness of why we salute C.B. King is because their work in the courts was universal to all of us who advocated through agitation. I think it motivated all of us who were given the opportunity to go on to college, and then choose a way of acting out this activism, to choose law school and, out of the opportunity, to see and admire those heroes in the courtrooms in the days when it was not as light as the times that we may have gone, who established the precedent upon which we could argue our cases.

Mr. Speaker, I am reminded of my activism on death penalty cases, being able to use the old civil rights laws or the cases that many had already plowed ahead. This is a special time to honor C.B. King. He is not an unknown hero. He is part of that cadre of men and women we should be repeating time after time in our schools and in our celebration and commemoration of Black History Month. These were the mechanics, the intellectual mechanics, these who fixed things and put them back together again.

They were fearless. They were articulate. They stayed up long hours. They were paid few dollars. Their hearts and their minds were strong.

On this coming Sunday, April 16, it will be Census Day in Houston, Texas, Census Sunday, in fact. And I will spend my time encouraging our churches and those who gather in them the value of being counted, the value of acknowledging that you are somebody, the value of saying to the United States of America we need to be counted. We are claiming our birthright and claiming our rights and our responsibility as a citizen, and we will act upon it.

Why is that relevant to C.B. King? It is relevant because C.B. King was part of the mechanics to translate what one person, one vote truly meant. He is part of the mechanics of allowing us to assemble peaceably, to partition against segregation, to allow us to vote freely and to speak upon who we want to represent us. C.B. King would be proud if we got ourselves counseled, for he is well aware that approaching in the year 2000, we will be looking ahead to see whether or not these seats, of which all of us hold from the South, all creatures of Thurgood Marshall and C.B. King and Julius Chambers and Horace Ward and so many others, all creatures of this whole concept of the Voting Rights Act and redrawing of the lines, to ensure there is one vote, one person.

Would it not be a tragedy in 2001, similar to 1901, 100 years ago when Congressman White stood in this very place as he was drawn out of the United States Congress, the last African American Congress person to have come through the reconstruction and to stand here in these chambers, but he said to this very hollowed body, the Negro will rise like the phoenix. Although, this is my last opportunity to debate, my last opportunity to be representative, the Negro would rise like the phoenix.

To C.B. King, I owe him much. I owe his mother and his father who trained him well. I owe the fact that he left Albany, Georgia, and went on to Case Western Reserve Law School, but he came back home. I owe the fact that I had the honor of working for the Southern Christian Leadership Conference as a young college student. I came to Albany, Georgia, to continue part of the Albany Movement that was still going on in the 1970s, to press for the right to vote and the right for individuals to choose their elected representatives.

This evening as we honor these heroes, I would like to accept the challenge of the gentleman from North Carolina (Mr. WATT), the gentleman from Georgia (Mr. LEWIS), I would like us to chronicle the numbers of heroes who use the law in the courtroom as the gentleman from Georgia (Mr. BISHOP) has done for us this evening, maybe we can collaborate and get all of these individuals who silently worked, starting with Thurgood, who we well know, but there are others who quietly worked in the 1940s, who we may not even have knowledge of them, to be able to say that they truly took the law, the tools that were given them, and did not use them selfishly or for personal self aggrandizement, but they used them to free a people. America is a better place because they worked to make us free.

With that, I thank the gentleman from Georgia (Mr. BISHOP) for giving me the courtesy of allowing me to salute a gentleman that I admired greatly and that I tried among others to emulate as I got the skills of a lawyer. I hope we will be able to honor them more and more.

Mr. Speaker, I rise tonight to pay tribute to Chevene B. King an outstanding man and distinguished attorney. As a participant in the Earl Warren NAACP Legal Defense and Educational Fund training program, I am honored to inform the American people of a man who championed civil rights and carried the movement into the political arena.

Chevene Bowers King was born on October 12, 1923, in Albany, Georgia, the third of eight children of Clennon W. King, the owner of an apparel shop and supermarket and Mrs. Margaret Slater King. Mr. King attended Mercer Street Elementary School and Madison Street High School in Albany. After graduation he attended Tuskegee University for a year and then decided to enlist in the United States Navy. After three years of service, Mr. King left the Navy and enrolled at Fisk University where he earned his bachelors degree in Political Science.

Pursuing his political education, Mr. King attended Case Western Reserve University, School of Law in Cleveland, Ohio. After law school he became a pre-eminent civil rights attorney in southwest Georgia, working with other African American lawyers from Atlanta, Macon, and Savannah. He worked closely with the local chapter of the NAACP, and was a cooperating attorney with the NAACP legal Defense and Educational Fund.

His accomplishments and work spanned the entire range of civil rights from school desegregation to the Voting Rights Act. He represented African American voters and candidates for office in the struggle against at the time unconstitutional segregation and discrimination. He led the way in making the basic right to serve on juries a reality in rural Georgia by bringing a series of lawsuits that exposed the discriminatory practices that had continued for more than 100 years after the U.S. Supreme Court first held that discrimination in the selection of jurors violated the Fourteenth Amendment.

When the civil rights struggle secured the ability to work in America free from discrimination, Mr. King fought to ensure that this right was enforced. Mr. King brought a number of actions to enforce the provisions of Title VII of the Civil Rights Act of 1964 and to provide equal job opportunities for African American workers.

Mr. King was known as a great scholar of jurisprudence and a superb orator. His regal demeanor in the courtroom brought a thoughtful and tranquil specter to the meaning of the civil rights movement. In the tradition of men like Charles Houston, Thurgood Marshall, and William H. Hastie he approached the practice of the law with activism and a commitment to excellence in legal scholarship. Because of his reputation he was counsel to Dr. Martin Luther King, Jr. Elijah Muhammad and the Albany Civil Rights Movement of the early 1960's.

In 1960, Mr. King ran for President of the United States and for governor of Georgia in both cases as a write in candidate. In 1964, with utter determination he ran for the congressional seat of the 2nd District of Georgia.

For his courage and commitment to civil rights he received the N.C.B.L. Lawyer of the year Award in 1975, A.T. Walden Library Award in 1977, and the L.S.C.R.R.C. Pro Bono Public Award of the State of Georgia. On March 15, 1988, Mr. King passed away at the age of 64 survived by his wife, Carol Roumain, and his four sons, Chevene B. Jr., Leland, Clennon, and his daughter Peggy.

In closing, I am reminded of the great quote by President Theodore Roosevelt,

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again, who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at best, knows the triumph of high achievement; and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Chevene Bowers King the American people will always remember your contributions and we shall always remain in your debt.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her comments. As we draw this special order to a close, this hour to a close, I am just personally grateful that I had the opportunity to know C.B. King. He made a tremendous impact on my life, as did Howard Moore, Jr. and Donald Hollowell.

I remember attending law school and wondering if the courses I was taking in law school were relevant to the Movement, and contemplating leaving law school to engage in some more direct action and getting the advice and counsel that the gentleman from South Carolina (Mr. WATT) so aptly described, that when people in the Movement are locked up, somebody has got to be there legally to get them out.

Mr. Speaker, I wanted to have a useful skill. I followed in their footsteps, went to New York with the Legal Defense Fund, went back to Georgia to do as my grandmother said, son, try to brighten the corner where you are, improve the community where you live. The South is my home. It is my native land. It is where I belong and where I will do all within my power to make better following the role models of these great giants and, in particular, C.B. King.

C.B. King really is good timber. Just like the tree that never had to fight for sun and sky and air and light, that stood out in the open plain and always got its share of rain, but never became a forest king, but lived and died a scrubby thing.

A man who never had to toil by hand or mind in life's turmoil, who never had to earn his share of sun and sky and light and air, never became a manly man, but lived and died as he began.

Good timber doesn't grow in ease, the stronger winds, the tougher trees, the farther sky, the greatest length, the rougher storm, the greater strength.

By wind or rain, by sun or snow, in trees or man, good timbers grow. C.B. King was good timber. We are all better because he lived and passed this way.

Mr. Speaker, I want to thank our two senators, Senator COVERDELL and Senator CLELAND, for their commitment and their vision in introducing the legislation on the Senate side, which ultimately passed this House, which was a companion legislation to the legislation introduced by the gentleman from Georgia (Mr. LEWIS) and myself here on the House floor to name the United States Courthouse on Broad Avenue in Albany, Georgia the C.B. King United States Courthouse; what a fitting tribute.

NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, first of all, I would like to address my colleague, the gentleman from Georgia (Mr. BISHOP). Having been here for a while and listened to the remarks of the various people, I wish I would have had the privilege to meet the gentleman. That was fabulous. I thought your presentation was very, very good, and what a remarkable man. I just wanted to tell you. I thought it was terrific.

Mr. Speaker, it is time for another nightside chat from the mountains of Colorado, so to speak. As you know, my district is the 3rd Congressional District in Colorado. There are a number of different areas that I would like to cover this evening.

We have April 15th coming up, Tax Day. And I think there are a number of issues we need to talk about relative to the taxes in this country. Now, look, this is not going to be a horse and pony show. What is important here is to talk about substantive changes, changes that you can take to the bank that have occurred under the Republican leadership.

Mr. Speaker, I can say that tonight it is not my intent to get into a partisan battle with my colleagues, but clearly when it comes to taxes, that is one of the distinguishing elements between the Democratic party and the Republican party.

I would like to go through a few of those elements. Now, again as I said, it is not an attack, but it is a statement to clarify and to highlight what the differences between the parties are when it comes to many of these tax issues. By the way, I want to go through the tax issues, then I would like to cover a little on some of the education issues. Of course, we can mix all of that.

If we have an opportunity this evening, I would like to talk with my colleagues about the jobs and the economy. These jobs, even though we have a very healthy economy today, we cannot ignore the fact that to survive tomorrow, to keep our jobs strong in this kind of an economy, we have to work on our education. We have to have the best education.

This world that we are in is going to become very, very competitive in the years ahead. Fortunately, one of the finest tools you can get your hands on, the United States has it, and that is that next generation behind us.

On a regular basis, I have many high school students through a program called Close-up and 4H programs, programs like that, excellent programs. I will tell you they come into my office, they visit with me, I give them an opportunity to ask questions. These kids are bright. If we can give them the educational opportunities that they need and that they deserve and that this country needs to preserve its status as the only superpower in the world, we are going to be in pretty good shape, but it is a challenge we have to take. I am going to talk a little bit about that.

If we have time, I would like to talk a little about Microsoft, my feelings on the Microsoft judgment that came down.

RELIGIOUS HYPOCRISY

Mr. MCINNIS. Mr. Speaker, I do want to begin this evening with a little concern I have about some hypocrisy that I think has probably gone on. As many of you know, in the last few weeks, we have had some verbiage, I guess you would say, some talk around the Capitol about the issue of Catholics. I am a Roman Catholic. I am no saint, obviously, but I know something about the church.

I also know that the Roman Catholic Church, it does not matter what color you are, it does not matter what your nationality is. There are Catholics throughout the world. In the last few weeks, there has been kind of a focused effort, primarily from the Democrats, saying that for some reason the Republicans are biased against Catholics. Obviously, you can take a look at that comment on its face, and you know that it is typical political rhetoric during an election year.

I thought it was especially pointed to note, not very many months ago, I stood up here in front of my colleagues and I asked for the support in condemning a museum in New York City that decided to put up a showing of an art piece called Sensation.

☐ 2045

It was a painting, a portrait or some structure, of the Virgin Mary.

Now, in the Catholic religion the Virgin Mary is a very sacred symbol in our church. What happened is this museum allowed, with taxpayer dollars, allowed this exhibit to be shown. What the exhibit was was the Virgin Mary with dung, or cow pie, so-to-speak, in this particular case it was elephant dung, thrown against the picture, clearly degrading, if you want to take a shot at Catholic Church degrading that religious symbol.

What was more appalling to me than this particular art exhibit was the fact that the Board of Directors and other members affiliated with this museum actually stuck up for the artist and said that the artist should be entitled to utilize taxpayer dollars to degrade the Catholic religion by putting the Virgin Mary up there in a portrait that shows the Virgin Mary with crap thrown on the picture. Excuse my language, but that is what it is. It was appalling. It was amazing to me.

Come on. There is a lot of at the Brooklyn Art Museum. Why would they lower themselves to do this? It is not freedom of expression. The issue here is should taxpayer dollars be used by this museum, and then should this museum endorse that kind of degrading art towards a religion?

I want you to know that when I brought that issue up, I did not have very many, in fact, I cannot remember one, Democrat who came up to me and said, ''Boy, we are with you. You talk about bias against the Catholic religion. We feel so strongly about protecting the Catholics from bias, that we are going to join you in your criticism of the Brooklyn Art Museum.'' Not one person on that side of the aisle came up.

I think it is important, not to be overly combative here tonight, but I just want to point out, when I hear members on your side of the aisle criticizing Republicans because we had a Catholic mass last week, that somehow this is some kind after prejudice, and yet when the real test comes, when the real McCoy is out there, and that is that kind of exhibit degrading it, you sat silent. You sat silent.

If that would have been a symbol from the Jewish religion, or a Buddhist symbol, or would have been a symbol against some other type of religion in this country, I suspect all of you would have come off your hands, gone to that Brooklyn Art Museum, you would have had protests and been protesting violently, or ''strongly'' I guess is a better word. But not one. You sat on your hands when we talked about the Brooklyn Art Museum and the Catholic church and the degrading of that symbol.

So I hope this pro-Catholic, anti-Catholic stuff kind of dies down, because I am telling you, some of you that start to criticize the fact that the Republicans had a Catholic mass, I am telling you that you are not entering this with clean hands.

What needs to happen is this issue ought to just resolve itself. Let everybody in this chamber practice the religion that they wish to practice. I do not think you need to go on an attack, telling a person, whether they hold public office or not, that they are biased against one religion or another. I just do not think it is necessary.

THE BUDGET AND THE DEATH TAX

Let us move off of that issue to an issue that I think is fundamentally more important.

First we have got to talk a little about the process when we work through the budget. We have a process back here in the United States Congress called the annual budget. The President as a guiding tool for Congress proposes his own budget. Now, this is a very complicated document, as is the budgetary document that comes out of the House of Representatives. The budget is very complex. Obviously it involves a lot of money. But when we got the President's budget, of course, and I am a Member on the Committee on Ways and Means, and the Committee on Ways and Means decides the tax issues. We have the broadest jurisdiction probably of any committee in Congress. We decide the trade issues, very active in that area this year, Medicare-Medicare issues, very active in that area, Social Security issues, very active in that area.

But when the President's budget comes, we analyze that budget. We look at the fine print on that budget. We take a look and see, you know, what is in that budget that we ought to understand. Is it a wolf in sheep's clothing, what is contained in the fine print.

I will tell you what we found in the fine print, we had a lot of debate about it today on the House floor, and that is we discovered there are 84, mark this, 84 new, brand new programs, in the Federal budget under the President's budget. Eighty-four new programs.

I need to tell you, our economy is going well and our constituents are pretty satisfied with the economy. But let us do not try and throw a bunch of new Federal programs on them, because this economy may not stay strong forever.

We know if you look on an historic basis of our economy, you see dramatic shifts throughout the years. At some point in time the big boom we are having, the strong growth that we have enjoyed, it is going to turn. We know that. It is cyclical in its nature and by its nature.

So when the times are good, you have to practice self-restraint. You cannot go out and blow all the money. It is kind of like coming across a windfall of money individually in your own budget. I think it would be a mistake, personally, for you to take a sudden windfall of money and go out and spend it all, or even overcommit yourself to the future, assuming at some point in time you are going to come across another windfall of money.

This is not the time to be building up the size of the Federal Government. This is the time to start reducing the size of the Federal Government and shifting these programs to the state and local government, where accountability is much, much better, where management of their budget is much more accountable to the taxpayer.

That is why today we had some pretty heated debate. We had a very heated debate about these 84 programs. The Democrats, frankly, were trying to defend the programs. In fact, one of the arguments that came across was why do you just bring out the fact that 84 new programs are there? Why do you not bring out the good things in the budget?

Look, our job is to point out things that I think are going to create some problems. That whole budget is not bad. There are some things in that budget that are acceptable, we all know that. But we have an obligation, in fact I think we have a fiduciary responsibility to the taxpayers of this country, to go through that budget line-by-line and point out what is going to happen.

Somebody said, well, why do you bring it out? The reason we bring it out is I want all of our constituents to know that if we adopt the President's program, the President's budget, they are going to have with the signing of a pen 84 new Federal programs, in addition to what we have right now.

There is also something that I found very alarming in the President's budget. It impacts my district significantly, and I venture to say it impacts every one of my colleagues' districts significantly. Let me tell you what it is about.

The death tax. When you take a look at the Federal tax system, probably the most punitive element of our tax system, the element that has the least amount of justification, although it is followed closely by the marriage penalty, is the death tax.

What is the death tax? The death tax means that the Federal Government comes to your estate, i.e., the property left after you pass on, they come to your estate, and if your estate is valued over a certain amount of money, $650,000 or a little more than that, they then assess what in essence is a very punitive or punishing tax against your estate.

Now, mind you, this is the United States of America. This is the country where we tell our young people, go out and build a fortune, go out, and it does not have to be in money, go out and build a farm, go out and have a ranch, go out and be a great teacher, go out and find the home of your dreams. And yet when they do, if you are too successful, all of a sudden you see your own government saying whoa, whoa, whoa, you have been too successful. You actually were able to build a farm that maybe you can pass on to the next generation. We do not want that to happen. We better punish you for success.

That is exactly what the death tax is about, punishment for success. The incentive that makes our country great, that makes the capitalistic system work, is that you are rewarded for success. You are not punished for success, you are rewarded for success.

This death tax needs to be eliminated. It is in our system today. How did it get in the system? If you look back at the history of taxation, what happened was some people decided, hey, that is the way to transfer wealth. Instead of transferring wealth through the capitalistic system, i.e., you come up with a better idea, or you come up with a product, they decided we need to do it by fiat. We need to go ahead and have the government waive a magic wand and look at people and say hey, you have been too successful, so we are going to penalize you when you die. Instead of allowing your family to continue the operation of your small business or the operation of a ranch or a

farm or for you to have assets, by the way, of which you have paid taxes on your entire life, these are not untaxed assets, these are assets of which you have already paid your taxes on, you have paid your fair share, and the government comes in and says we are going to transfer it.

You know, after a while it begins to bother the person who works, if you continue to transfer things of gain from the person who works and award it to the person who does not. How long do you think a society can continue to operate if you penalize the working person and reward the person that is not working, who, by the way is capable of working? I am not talking about disabled people. I am talking about fully capable of working?

This is a transfer tax. It is a defiance of the capitalistic system. It is a tax that would have Adam Smith turn in his grave. His Wealth of Nations has a special chapter devoted to just exactly this problem in a capitalistic system.

But when we discuss the death tax, let us take a look at what the President's budget does with the death tax. The Republicans have a pretty simple proposal: The Republicans say about the death tax, let it meet its death. No pun intended. Let us strike it. Get rid of the death tax. You cannot justify it. It is not fair to the taxpayers.

When you really look at the details of the death tax, the amount of revenue that we collect is not a whole lot more than the amount of revenue that we put in, and when you take a look what the death tax does to the environment in terms of damage, and you say, wait a minute, SCOTT, you are confused. You are saying the death tax has something to do with the environment, it hurts the environment?

I can tell you in Colorado, the 3rd Congressional District, I am proud as the dickens of my district out there in Colorado, proud as punch of the district and proud as punch of the people out there. But our district has been discovered, and we have got a lot of people who want to move out into our district.

I will tell you, we want to sustain our farm and our agriculture base and our ranches out there, it is important, and that open space, beautiful, spectacular. Any of you that have skied in Colorado, you skied in my district, colleagues. You know where it is. It is the mountains, the highest district in the Nation. Many of you would love to live out there. Many of your constituents do live out there.

But what is happening, because of the punitive nature of the death tax and because of the increasing value of the property in my district, we are having families who not in their wildest imagination ever thought that the Federal Government would come in, take the ranch or the farm or the small business they put together and break it up, and break it up. Not because of antitrust, not because of some violation of the law by this family, but because that family worked too hard and they became, God forbid, successful.

So our government decides to tax it. That is why the Republicans, and there is a distinct line drawn between the parties on this, has said get rid of the death tax.

The President has made it very clear, and the vice president has made it very clear, and the Secretary of Treasury has made it very clear, the Secretary of Treasury as you might remember said about this: ''This is selfish for you to talk about getting rid of that. How selfish of you to talk about that.'' How dare you say to the government, why are you entitled?

Maybe somebody else ought to ask the government, why are you entitled to take this? What gives you the fundamental right to go into a family and take it, a ranching family for example, who for generations struggled to make this go, and, all of a sudden the property goes up in value, and somebody meets an untimely death and the government is able to take it away?

The President's and vice president's position is hey, we oppose doing away with the death tax. The reason? Well, it is unfair. It is unfair. You know, it is unfair to the government to do away with it. Not unfair to the people, but unfair to the government to do away with it.

Well, I have accepted the fact that until we have a change in administration, that Vice President GORE's and President Clinton's policy is going to continue to be to have the death tax. I was not caught off guard by that. They made their statements very clear. The Republicans have made it very clear they want to eliminate the death tax, and President Clinton and Vice President GORE have made it very clear they want to sustain, they want to keep the death tax.

□ 2100

So I was not caught off guard until I read that budget, the President's budget. I feel like they have sold us down the river on this.

Do Members know what they do with the death tax? They keep it, all right. They keep it. They increase it, they do not cross it out. They do not cross it out, they keep it. Then do Members know what they do? Look at this word: Increase the death tax. That is exactly what the President's budget does.

That caught us off guard. We knew the President was going to defend this tax, which I think is indefensible. We knew the Vice President was going to stand right by him, as he has with all the other troubles that the President has had. But we did not expect it, and I am not sure, maybe the Democratic Party expected it, maybe they knew about it in advance, but it caught us off guard.

Today several Members on that side of the aisle got very aggressive. When we brought that up, they said, why do you bring up the death tax in the President's budget? Why do Members not bring up the good programs in the President's budget? Because there are a lot of programs that are good programs in the President's budget that we may not have a problem with.

But the Republicans have a real problem with, one, the existence of the death tax, and two, the audacity of the administration through its policies, and the Vice President through his policies, to increase the death tax, increase it.

If we talk about an insult to the working people of America, come on, government. Back off. Do we want to destroy these ranches and family businesses?

It has always been a father's and mother's dreams that some day they could be in a business they could pass on to the next generation, or to the next 50 generations. We all work at that. Every one of us in these chambers think of our demise at some point in the future and we want to build something for our kids. We want to build something to give to them, whether it is a small business or something of a value to help them get a start. We all want that.

The government ought not to be stepping in there to take it away from us, and they sure as heck should not be increasing it. I would hope that every one on the Democratic side would join us on the Republican side and say no to any further increase in the death tax.

It does not take a hero to say no on this thing. It is an easy policy question. It should not have occurred.

I want to move on a little and talk about some of the taxes and the tax breaks and things we talked about.

Every time we have tax season, we hear people get up on both sides and they talk about, well, this is how much taxes have raised. It is true, the biggest bite in the history of the country, I think, or since World War II, the biggest percentage of tax bite in the country exists today. There are a lot of statistics I can tell Members about.

But what I think we need to do, I think we need to say, hey, let us face the music. Let us talk about really what kind of substantive tax changes have taken place that benefit our constituents, the people out there who are working for a living; what really have we done?

I want to take an example of what the Republicans have done. I am very proud of the Republican leadership on taxes. I can tell the Members that there has been a diversion, a red herring thrown out there, so to speak, by the Democrats talking about, well, the Republicans want to cut taxes and they are going to ruin social security, or the Republicans want to cut taxes and it is going to ruin Medicaid or Medicare, or the seniors are not going to be able to eat tomorrow. We hear all that rhetoric.

Let us, though, put the rhetoric aside. Let us talk about the differences, because it is a fair discussion.

It is not under-the-belt politics, it is a fair discussion, what are the differences in taxes.

Another fair question is, since control of the House of Representatives is going to be up in November, another fair question to ask of the Republicans, all right, Republicans, where is your proof in the pudding? What is the proof in the pudding? What have you done for the American people about taxes? What have you done?

Let us go through a few things. The one that I am probably the most proud of is the House. When we took control of the United States Congress, despite opposition from the Democratic Party, we looked out there and said, what is a reasonable tax reduction program that we can do to help the average Jane and the average Joe out there working away? What can we do to give them some help?

We sat down and we had lots of discussions about this. The conclusion we came up with is that there are a lot of people in American that own homes. Even since we had that discussion, the amount of home ownership has gone like this. What a great country. It is a wonderful country that people, most people in this country have the opportunity to own their own home.

That opportunity starts at a very young age. I have employees who owned their own home when they were in their early twenties, 21 or 22 years old. That is great news. But what happens with this house? How can we help the homeowner in this country, which are most of Members' constituents? Most of our constituents own homes out in our districts.

So the Republicans decided as a priority we should get some kind of tax relief for the homeowner. Does it amount to anything more than a hill of beans? You bet it does. You bet it does. This tax reduction that we put in place a couple of years ago is probably the largest tax break that any of our constituents have gotten in the last 20 years. It is a huge tax break if someone owns a home in this country.

What are we talking about? Let us go through a little history on this. Let me talk about the old law before the Republicans changed it. It was our leadership, and I am proud of that. Again, let me just caution, I am not trying to get partisan here, but I am describing somebody that deserves a pat on the back and a distinguishment between the parties. That is fair game, as I said.

The old law on home ownership is that if you bought a home say, for example, for $100,000, and you were in an area of growth 15 or 20 years ago, although today with the kind of economy we have we see this appreciation in value occurring at a much faster rate, but let us say over 15 or 20 years you bought a $100,000 house and you sold it for $350,000. Unless you were over 55 years of age, and even then only once in a lifetime, then you would get an exemption up to, I think, $125,000.

But what happened, you bought the home for $100,000. Let us say you are under 55, or maybe over, but you already took your once-in-a-lifetime exemption. Let us say this is a 40-year-old couple. Let us say they bought a home, using this example here, they bought the home for $200,000. They bought it 20 years ago. The years are not important, but let us just give the years for appreciation and value of the home.

They sold the home for $700,000. That means their profit on the home was $500,000. They made $500,000 on the profit of their home. Under the old law, they were taxed on the $500,000 net profit. Under the law that the Republicans passed, and we did have, by the way, support, and initially we had opposition by the Democratic leadership, but they came around when they saw it was going to be a done deal. We did have some support from some Democrats, and some conservative Democrats helped us all along, by the way.

What we did is passed a bill that goes out to couples, individual homeowners as well. It says, we are going to allow you the first $250,000. The first $250,000 of profit that you make on the sale of your home, we are going to allow you to have that tax-free. You get to put that first $250,000 per person, and now remember, most homes are owned by couples, so it is $500,000 per couple, you get to take that money, put it in your pocket, no taxes.

Under the old law, the only way one could defer the taxes, and they still had to pay the taxes, but the only way to defer the taxes was to go ahead and buy a home of at least the same cost or a greater cost than the price that you sold your home for.

So what we did is went out to every homeowner in this country, and we have said, if you have had any kind of value growth in your home and you sell that home recognizing that value growth, or in other words, you sell that home for a profit, that profit, up to $250,000 goes right into your pocket.

Mr. Speaker, my colleagues have had many of their constituents, probably, who have sold homes in the last 2 years. Members ought to go see what kind of smile is on their face because of the fact we went out to the homeowner, and it did not break the government, and despite what the administration says, it did not break social security, it did not cost us money in education, it did not impact in any kind of negative fashion the health care delivery in this country.

What it did do is it went out to people, and in most cases this is our constituents' largest asset in their holdings, is their home. We went out to their largest asset for the average American and said, look, when the time comes that you can sell that home for a profit, you get to keep as an individual up to $250,000, and you get to put it right in your pocket and walk away from the deal. If you are married, you each get to keep up to $250,000.

What else is great about this? It does not happen once in a lifetime. The old law says you get to do it once. The new law says you get to do it every 2 years. You can take the money, go buy another home, and let us say a more reasonable approach, let us say you sell a home today as a couple, you make a couple of hundred thousand dollars profit, tax-free, put it in your pocket. Let us say you go buy another home. You buy a $100,000 home. You live in that home for the next 2 years. Let us say that the economy continues to grow stronger and you sell it for $175,000, so you have made $75,000 profit.

Two years have gone by, you get to take that $75,000, which, by the way, it is your money, and you get to put it in your pocket tax-free. That is probably the most significant tax break that our constituents have received in the last 20 years. By gosh, I am proud to be a Republican and I am proud to say it was under our leadership that we got that done.

Let us talk about another tax bill that we got done out of this House, and I am confident it is going to move out of the Senate. It was done under Republican leadership, despite opposition by the administration, although now the administration says they will sign it. Why? They see the writing on the wall. It is fair. How can anyone argue against it? That is the conclusion, in my opinion, that the White House reached.

What is it? Remember some of the great things that have made our country such a superpower, a superpower in many definitions of the word? We can start it by talking about family. Family is a fundamental pillar in this country. Religion is a fundamental pillar in this country. Freedom is a fundamental pillar in this country. Education is a fundamental pillar in this country.

Let us talk about one of those pillars: Marriage. This country as a policy should encourage marriage, should encourage families. Families are what have made this country great. We have an obligation to build as strong families as we can. In the government, we have an obligation to encourage families, encourage marriage.

What did this government do? They penalized people who got married. Our tax rate in many cases was higher simply because of the fact that you were married. For no other reason besides the fact that you were married you paid a higher tax than if you were to file as two single individuals.

Is that intelligent thinking? Is that how we encourage people to go out and get married, is to penalize them for getting married? We just talked about what we do, we penalize people, their survivors, when they die. But that was not enough for this government. They had to go out and hit in the other end, as soon as they die, and in between we are going to nail them again and again.

The marriage penalty, this House passed it. Again, I am proud of the Republican leadership. We took the lead

on that. We should feel no shame in going out to our constituents and talking about the fact that we want to get rid of that death tax, that it is unfair; that the marriage penalty that we lead on, we are going to get rid of that. The homeowner tax break that we put in place, there was that. We are giving homeowners an opportunity. Those are three major pieces of legislation that have been accomplished under Republican leadership.

But we are not done. We are not done. What else happened in the last couple of years?

□ 2215

A big factor, a big thing. Almost it is somewhere pushing, I think certainly over 50 percent, but years ago not very many people owned stock in the stock market. That really was kind of a rich man's, a rich woman's, game. It was a sophisticated operation. It still is sophisticated, but really one only saw the upper echelon of our society in economic categories investing in the stock market. That has changed dramatically just in the last 10 years.

Today, Mr. Speaker, well over 50 percent of our constituents have investments in the stock market. Now a lot of them may not realize they have investments in the stock market because they own shares of a mutual fund or they do not know that their retirement monies are invested in a stock market, but they are. They also do not realize that when these investments are sold that this government has another tax they pull out of the sky called the capital gains taxation.

Where did this tax come from? Let me say, first of all, most of the European countries do not have it or if they have it it is at a much lower rate. Why? Because it does not create capital. It defies the system of capitalism. It encourages nonproduction. It encourages people to sit on their duff and not do anything because if they do do something the government comes in as a partner that did not participate much and takes a big chunk out of it, what is called capital gains taxation.

What we did in the Republican leadership, and again I am proud of it, and I do have to say there were some conservative Democrats that joined us, but frankly the Democratic leadership did not. They opposed us. They said it was a rich man's game. Well, let me say, if this is a rich man's game I have a lot of rich people in my district playing a rich man's game, and these rich people happen to be everything from stocker at the local grocery store to teachers and so on and so forth. They are not wealthy as far as an asset category is concerned. They may be wealthy in their profession and wealthy in love and so on, but this covers a lot of people.

We felt an obligation to lower that tax which at one time was 28 percent. It was 28 percent when we got our hands on it. We lowered it to 20 percent. We wanted to get rid of it but the President would not hear of it. The President insisted it stay at 28 percent. We were able to compromise. We got it down to 20 percent and it was signed into law.

Now one says 8 percent. Come on, what is 8 percent? What kind of a difference does 8 percent make? It makes a lot of difference and it makes a lot of difference to our constituents. Take 8 percent off that tax bite and that means something. Those are a lot of dollars.

I have had several constituents come up to me and say, wow, thanks. That was terrific. Know what happened when we lowered the capital gains taxation rate? We did not break Social Security. We did not cause anyone to get less delivery in health care. We did not have all of these kind of nightmare scenarios that people that are opposed to legitimate, logical tax reductions, we did not see the sky fall in, not at all.

Now let me say, some of the people who criticized some of the ideas for tax reduction, some of their criticisms are right with particular ideas. Some ideas work the opposite way. I mean, our government has to have taxes to operate. We all acknowledge that, but we acknowledge that the government ought to be accountable with those tax dollars. We think the government ought to have individual responsibility in this country and the government should not go under the days of the great society like we had under Lyndon Johnson where the government provided for everything; that they felt that the individual power and responsibility should be shifted to a central government in Washington, D.C. It was a huge failure. It was an experiment that failed.

There are some ideas that are pretty wild about tax reduction. Some people would like to have no taxes at all. Logic, your gut, your gut reaction says that is not going to work. We have to approach this in a fair and in a balanced manner. That is what we have done.

Let me again go through these tax reductions. Number one, we need to get rid of that death tax summarily. That death tax is punitive and it is unfair, and eliminating the death tax, certainly opposing the President and vice president's proposal in their budget this year to raise the death tax, to increase the death tax, is a non-starter.

I wish the vice president and the President would work towards elimination of the death tax, not towards increasing their dependence on it and hiking it up. We are going to continue that fight. With the proper changes in November, I hope we can eliminate the death tax but in the meantime we have to fight this proposed increase by the Clinton-Gore team to raise the death tax.

The second thing we have done, we repealed the capital gains tax on the sale of that home. Remember I talked about that, the capital gains, when someone sells their home we give them a $250,000 per person renewable every two years tax break. One gets to keep that income, gets to put it in their pocket.

Take a look at the marriage penalty. Out of this House we said and it was under Republican leadership, it is not fair to punish people that are getting married. We eliminate that marriage penalty tax. It is not right. I think we are going to get that to the President in the not too distant future and I think the President who originally opposed it is going to sign it.

Our capital gains reduction program, remember that we have taken capital gains from 28 percent down to 20. It was a logical move.

If one wants to see what had a major impact and boosted this economy over the last 3 or 4 years, I think we can tie a great portion of that gain directly to the fact that we freed up capital by reducing the capital gains taxation. That was a smart, logical tax reduction.

The sale of one's own personal residence is a smart, logical tax deduction. Elimination of the death tax is not only smart, it is not only logical, it is punitive to keep it. It is unfair to keep it. The marriage penalty, if we want to encourage families, it is a logical, fundamentally fair path to take by eliminating that.

Now some people have said, hey, what about seniors? What is going to be done about seniors, Republicans? It is interesting how in an election year all of a sudden we hear bashing, Republicans do not care about seniors. That is ridiculous. I do not know one Member on this floor, Democrat or Republican, I do not know one Democrat or Republican, in fact I do not know anybody anywhere, who is going to stand up and say I do not care about seniors. Yet that statement is a political statement that actually picks up some votes, perhaps, for people making the statement.

I mean really, think about it. How many people do any of us know, Mr. Speaker, that do not want to help seniors; that want to just abandon seniors; that do not want seniors to have health care? Well, I can say that in the 40 years when the Democrats held control of this House, they did not eliminate the death tax. In fact, it was put in place. They did not eliminate the homeowner tax. In fact, it was put in place. They did not eliminate the marriage penalty. In fact, it was put in place. Now when they talk about seniors, there is a delineation again.

It is the Republicans, after repeated opposition by the President and the vice president and the Democratic leadership on the floor, it is the Republicans who stepped forward and said, wait a minute, we have something wrong in our tax system as it deals with seniors. Let us talk about what is happening to seniors out there, specifically seniors between 65 and 69 years old.

Under the current tax system, if one is a senior and there are 800,000 out of

them out there, if one is a senior in that age bracket and they go to work, the government, after they make more than $17,000, punishes them for working. What? Yes. Let us repeat that. The government says if seniors want to work and they are between 65 and 69 years old, we are only going to allow them to make $17,000 and no matter how hard they work, no matter how badly they need seniors to fill this job, we are going to penalize them $1 for every $3 they make. That is right, we are going to penalize them $1 for every $3 that they make.

How can something like that come into being? Logically, what brought that about? What happened is many, many decades ago there were not enough jobs. Today we face just exactly the opposite scenario; there are too many jobs. I guess we can never have too many jobs. Let us say there are too many jobs that are not filled. Back then, there were not enough jobs so once again Washington, the think-tank back here in the Potomac, turned on the light and said, well, this is what we will do, let us penalize, let us force seniors, let us push them out of the job market. Let us get those old fogies, let us move them out of there, by gosh.

It is not right, but that is what happened. The policy adopted just like the great society in the sixties, which was a great failure, and I guess we cannot call a failure great, it was a huge failure, this, too, has become a huge failure. Why would we push senior citizens out of the labor market?

Well, under Republican leadership I am proud to say, and it is interesting to note, that after all of the years that we have tried to get this done and we have had objections from the other side of the aisle, from the Democrats, it is interesting to note that when we finally, when we finally put it up so that this bill could face the music, when we really put the challenge up there and the vote had to be registered on this board up here, I think that left the House a week or so ago unanimously. I do not think there was a no vote in the Chamber. I do not think there was a no vote in the Chamber.

What does it do? We now say to seniors between 65 and 69 years old, guess what? The government has changed its policy. We have determined that it is not a good policy to punish seniors for staying in the labor market. So every one of us on both sides of the aisle can go back, but I have to say while I say on both sides of the aisle, in fairness when my colleagues go back to their constituents they ought to say it was Republican leadership that got it done. Democrats had 40 years to do some of these things: The house credit, the capital gains reduction, the death tax, the marriage penalty and now the seniors. But they deserve some of the credit. After all, they voted for it when it came up. We did not have any no votes on the House Floor.

The fact is this: Seniors, 800,000 of them between 65 and 69, they have good news headed their way. The President is going to sign that bill and they are not going to pay taxes, they are not going to be punished because they want to work in the labor force. In fact, we encourage them to be in the labor force. I think it makes them live longer. I think it is great for them and I think they provide a terrific asset to our economy.

Well, let me move from all of these taxes. The reason I have hit taxes in our night side chat this evening so intensely is because we have April 15 coming up but it is time for a new topic.

AMERICA, THE ONLY SUPERPOWER IN THE WORLD

Mr. MCINNIS. Mr. Speaker, I have had an opportunity to travel fairly extensively throughout the world, and there are a few things I want to talk about regarding the United States of America, Mr. Speaker. First of all, we are the only superpower in the world, and we are the superpower because of American ingenuity, because of American energy, because of patriotism within our borders and friendliness and strength demonstrated outside of our borders. That is why we are a superpower.

When I travel in the world I carry a little index card about a fourth the size of this, and on that index card I have an American flag; actually, a little picture of an American flag. When I travel to different countries, I make it a point of getting away off the regular path and kind of going down an unknown path. As they say, never walk the same path twice. I go down an alley or find a merchant and show them that index card. I have yet to find one person anywhere in the world that cannot identify the flag of the United States of America.

People know the strength of the United States of America, but it did not just fall out of the skies. Many of our European colleagues have a much, much longer history. Speaking from an industrial aspect, they have a lot longer history. Most of the countries in the world are much older than our country but no country in the world even comes close to matching our country. Why? Because we have a few principle beliefs that we push, and one of them, one of the fundamental ones, happens to be education. There are others. Health care, a strong military. One can never be number two in the military. The stronger one is in the military, the less fights they are going to get into. Religion, family, we could talk and on about those, but let us just go down to a couple of them.

First of all, let me say that also in my travels throughout the world I have an opportunity not because of SCOTT MCINNIS but because of the position as a U.S. Congressman, I have an opportunity to meet people in other countries that are very wealthy. I have had opportunities to meet kings and queens and members of parliament and members of respected governments and prime ministers. I have had those opportunities. To the best of my recollection, when I have asked the question, whenever somebody in some other country other than the United States wants to send their kids to college, a lot of the time they send those kids to be educated where? In the United States of America.

What else? When those families have somebody who has a deadly disease or a terrible disease like cancer, most of those wealthy people, what their choice is, they send them for health care to the United States of America.

Our country is a leader in health care. We are number one in the world. Our country is number one in the world on education. Now, sure, we have test score problems, we have areas we have to shore up on. We have to rededicate ourself to the proposition that the most important person in the classroom is the student and that the resources going to that classroom should be focused on the student, not on all kinds of Federal programs, not on all kinds of Federal bureaucracies that we find in the Department of Education and other areas. We have to focus on the student. Education is an important issue but there are some concerns that I have out there.

□ 2130

One of the concerns that I have about education in our country is discipline in the classroom. Our country, again, another fundamental pillar to our success, is that we exercise and we expect individual responsibility; and that if an individual did not carry out that responsibility, there were consequences. There were consequences for their lack of action.

It is the same thing in the classroom. There was a book, and for the life of me, I cannot think of the title of it, a lot of my colleagues out here will remember this book, I cannot remember, but anyway the book compared the 10 most serious discipline problems 30 years ago or 40 years ago. In that list, chewing gum, talking out loud in the classroom, talking out of turn, not answering the teacher ''yes, ma'am'', ''yes, sir''. It was those kind of things. I remember that. That is what I used to get in trouble for.

Then it talked about the 10 most common discipline problems in today's classroom. I will tell my colleagues, I think one can draw a coalition between chewing gum and drugs. I think one can look in there and see that the government, not the teachers, the teachers, in my opinion, for the most part, have done a commendable job. Unfortunately, we keep bad teachers, and we are not rewarding the good teachers in my opinion. But if one drew a line, I think one can draw a direct coalition between the discipline, between the fact that our society, our government all of a sudden is starting to say, look, we should not have consequences.

It is interesting, the other day I read about or heard about some students

that got in a fight at their school. For the first time, I heard a term, ''third-year freshman''. I thought, third-year freshman? What is a third-year freshman?

I asked my sister Kathleen, she is a school counselor, what is a third-year freshman? Oh, that is somebody who has been in high school three years and does not have any high school credits. What? In the old days, look, if one did not want to try in school, if one were not going to make an effort at it, get out. We have got a lot of students in our schools that want to make an effort at it. We have got a lot of students in our schools that want to succeed.

Our society has become so politically correct in education that discipline has almost all but been taken away from our teachers. How can we expect teachers and instructors that will deliver the kind of product that will continue to make this country a superpower if we do not give them the tools they need? One of those tools happens to be discipline, to make our students accept responsibility for their actions and to have consequences for the actions that they take. That is where we are going to increase production out of our schools.

I have been very excited lately because, frankly, in the State of Colorado, in my opinion, we have ended up with a darn good Governor, and he has been very aggressive on education reform. It is very interesting. He came out and said we are going to grade schools.

What was interesting about the criticism, a number of people from schools, school administrators, and people dealing with the schools came out and said, ''Governor, how could you possibly use grades, grade schools?'' It is pretty interesting. I always thought, ''Wait a minute, schools. That is what you do. You use grades to grade students. Why should we not use grades to see whether your school is doing what it ought to be doing?''

We have got a Governor in Colorado who stood up to some pretty tough opposition from people in my opinion who do not want to change the status quo and people in my opinion that I would question whether the focus is on the student or on the well-being of some bureaucrats that have opposed this plan.

But this plan was signed into law. This is a good plan. Who is the winner? The winner are the students. When students win, who else wins? The teacher wins. The teachers. I will tell my colleagues, most teachers I know are very proud. Most teachers dedicate a lifetime to a career of seeing success in their students.

My sister, for example, or my aunt, Jewel Geiger, down there in Walsenburg, Colorado, they take great pride, not in the money they make, they do not make much money as teachers, they take great pride when years after they have sent a student on their way, the student comes back and has a remarkable pattern of success because they were taught responsibility at the lower levels of school.

I will tell my colleagues I am excited about education. I have got to tell my colleagues I had a group of students in today. We had some students from Ouray, Colorado. We had some students from Steamboat Springs, Colorado. I had some 4–H students, one from Grand Junction, Delta. So I had several communities in my district represented today, and not all at once. So I had three or four meetings with these students. Canyon City students.

I asked the students, I said, let us open it up for questions. I am telling my colleagues, they have experienced it, my gosh, these questions were solid, well-thought-out questions. Their thoughts on policy were well thought out.

We have got a great bunch of young people coming up behind us. This next generation is going to have multitudes of more opportunities than any generation that has ever preceded them. This generation has more possibilities, more capabilities than any other generation that preceded them. But this generation could be handicapped by being too politically correct in our schools, by being too politically correct to say to our students they have individual responsibility. They have certain behavior that they have to recognize. There are consequences for misbehavior.

If we can give this generation with so much hope and so much promise, if we can set aside the politically correct stuff and just react from our gut and let our local people work on their school boards, I will tell my colleagues this, there is nothing that will stop this next generation. They will lead our country to continue to be the greatest country the world has ever known.

We can be safe knowing that, when we turn our country over to this next generation, that we are turning it over to a better management team, to a management team that will make our results look somewhat slow.

But we have got to give these young people the tools. It is as good for them as it is for our society to teach individual responsibility.

Mr. Speaker, let me wrap up, then, by my conclusion. Number one, I want to caution my colleagues, I am not trying to use this floor for a partisan attack, but we do have in this country, we do have a balance of powers. I spoke tonight about the Republican program, the tax reduction on capital gains, the tax reduction for the homeowners in this country, the tax reduction on the marriage penalty, our pursuit to eliminate the death tax and our elimination of the earnings limit on seniors. We have hit every category out there that I can think of. I am proud of that as a Republican. I think that we should go out, and when we talk to our constituents, we should remember these programs, because what we have done is give incentive to the capitalistic system.

Now, everybody out there, regardless of their economic category, wants success. Government only impedes success with taxes that are unfair or punitive or have no sense on their face. We have recognized that, and the Republicans have taken the lead to do something about it.

I thank my conservative colleagues on the Democratic side who have joined us. I also thank all of my colleagues who, when the real vote came up there, when it came time to face the music, we had all ''yes'' votes to eliminate for the seniors that earnings limitation.

This country is a great country. But we must resolve to be fair to our taxpayers. We must resolve to deliver the best educational product that we can to our next generation, our young people. We must resolve to keep the foundations, the pillars in our foundations strong, those of a strong military, of a strong education system, of a strong health care system, and of a strong military.

HMO REFORM

The SPEAKER pro tempore (Mr. VITTER). Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, tonight we will talk about two aspects of health care that are important. The first will be about the conference committee that is going on in regards to the HMO reform bill that passed both the House and the Senate. For our colleagues and constituents, it should be noted that the bipartisan Managed Care Reform Act of 1999, the Norwood-Dingell-Ganske bill passed the House back in October 275 to 151. The Senate bill had passed sometime before that.

So the Speaker of the House and the Majority Leader in the Senate, as well as the minority leaders in both bodies, appointed Members of Congress to meet together to iron out the differences between the bill that passed the House and the bill that passed the Senate. Once that is done, then the unified bill is brought back, both to the House and to the Senate for a vote. If it would pass in both Houses, then it would be sent to the President for signature and become law.

Now, the conference committee has been meeting for some time. I am told that they are currently working on internal and external appeals. Even though I helped write the bill, I unfortunately was not named to the conference, and I cannot be more specific than that. I would note that, of all the Republicans from the House that were named to the conference, only one actually voted for the bill that passed the House with such a large margin.

But I want to talk about one particular aspect of the Managed Care Reform bill that is crucial to getting it right, and that is on the issue of whether the HMO at the end of the day can

define as ''medically necessary'' anything that they want to. Now, my colleagues may say, well, how can that be? The answer, Mr. Speaker, is that, under a 27-year-old law that Congress passed, Federal legislation, an employer plan can define as ''medically necessary'' anything they want to, regardless of whether it meets medical standards of care.

Now, way back in 1996, a year or so after we started debate on HMO reform, so it has already been 4 years, a woman who was a medical reviewer at an HMO gave testimony before my committee, the Committee on Commerce. I think it is important to go back through her testimony, even though I have read this testimony on the floor several times in the past, because it is so crucial to whether we are going to get a bill that is worth the paper that it is written on.

This medical reviewer said, ''I wish to begin'', this is her testimony before the Committee on Commerce, ''I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred. I was rewarded for that. It brought me an improved reputation in my job and contributed to my advancement afterwards. Not only did I demonstrate that I could do what was expected of me, I was the good company employee. I saved half a million dollars.''

She continued, ''Since that day, I have lived with this act and many others eating into my heart and soul.''

□ 2145

For me, a professional is charged with the care or healing of his fellow human beings. The primary ethical norm is do no harm. I did worse, ''I caused death.'', said this HMO reviewer.

She went on to say, ''Instead of using a clumsy bloody weapon, I used the simplest cleanest of tools; my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for this moment. When any moral qualms arose, I was to remember, 'I am not denying care, I am only denying payment.' ''

She then listed the many ways managed care plans deny care to patients, but she emphasized one particular issue, the right to decide what care is medically necessary.

She went on to say, ''There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessity denials. Even when medical criteria is used, it is rarely developed in any kind of standard traditional clinical process. It is rarely standardized across the field. The criteria is rarely available for prior review by the physicians or members of the plan.''

She went on, ''We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry.'' And the thought of the Holocaust came to my mind at that point.

She finished by saying, ''One can only wonder how much pain, suffering, and death will we have before we have the courage to change our course. Personally, I have decided even one death is too much for me.''

Well, Mr. Speaker, what we are talking about here is the ability of an employer health plan to define as medically necessary anything they want to or to exclude anything they want to.

Let me give my colleagues an example. Before coming to Congress, I was a reconstructive surgeon. I still go overseas and do these types of operations. Here was one of my patients. This was a little baby born with a complete cleft lip and cleft palate.

Now, the standard of care for this birth defect is surgical correction of the lip and of the roof of the mouth. But, Mr. Speaker, there are some HMOs out there that are defining as medically necessary ''the cheapest, least expensive care as defined by us, the HMO.''

Now, some of my colleagues may say, what is wrong with the cheapest, least expensive care? Here is an example. Let us take this little baby with this hole in the roof of his mouth. He cannot speak normally. He will never learn to speak normally if that is not corrected. Food goes up his nose and comes out his nose. He cannot eat right. But under that HMO's ridiculous definition of medical necessity, the HMO could justify not treating this child with surgery to fix the roof of his mouth but by merely requiring or authorizing the construction of a little piece of plastic, like an upper denture; something to sort of plug the hole. That is wrong. Where is the quality?

The parents of that little baby would have no recourse with their health plan, because a 27-year-old Federal law, the Employee Retirement Income Security Act, says that an employer health plan can define that medical care in any way they want to.

And so what has been the result? Well, more than 50 percent of the reconstructive surgeons in this country who have had children with this type of birth defect, and who requested to perform operations to correct this, have been denied as not medically necessary by HMOs.

Here is a little baby that was born with a lack of fusion of the bones between the eyes, so that the eyes are very widely spaced, as my colleagues can see. Much more widely than normal. I have treated some children with this defect where the eyes are almost on the sides of their head, almost like a fish.

Now, there is a surgical operation, it is an intensive operation, it is a big operation, to fix that. It involves making an incision across the top of the head, peeling the soft tissues off the bones, taking some of the bones of the face out and the skull out, remolding them and putting them back together, and then bringing all the tissues back up so that the gap between the eyes is narrowed.

This is a birth defect. That is not a cosmetic operation. A cosmetic operation is where we have a normal process, like aging, where there are droopy eyelids or droopy skin of the face and we make it, or we try to make it better than normal. A reconstructive procedure like this is where we are trying to get that person back to normal so that they do not look so abnormal that they feel like they cannot even go out in public.

A few weeks ago we had a press conference here in Washington in which some families and some children with these types of birth defects came to town. Stacy Keach, a famous actor, was the emcee. He did this because he was born with a cleft lip and a cleft palate and he has a real feeling in his heart for children born with this type of deformity and for the problems that they are experiencing with HMOs in denying their treatment as not medically necessary.

So I am going to take the opportunity tonight to read to my colleagues some of the statements by the mothers and fathers of some of the children that were born with these types of defects.

This little girl's name is Breanna Fox. Here she is before her operation. This is after the operation. This shows that Breanna's skull bones came together, grew together prematurely, and resulted in a significant deformity of her forehead, her eyes, and her skull. These are the words from her mother and the problems that they had with an HMO in trying to get this birth defect fixed. This is Breanna's mother's words.

''Our daughter Breanna was born July 30, 1998. We knew she would be arriving into this world with a craniofacial deformity, as this had been detected during a prenatal sonogram in my 8th month of pregnancy. As predicted, Breanna was born with a misshapen head and was diagnosed with craniosynostosis, that is where the bones of the skull fuse together, and a severe plagiocephaly, that is the description for the type of facial anomaly that she has.

''Before we left the hospital, we learned that a baby's skull is really a collection of many smaller bones adjacent to one another at sites known as sutures. As the brain grows, the sutures allow for expansion of the skull. When brain growth is complete, the sutures gradually become fused. In Breanna's case, two of the sutures had already fused. Her growing brain was forced to grow away from the fused sutures, resulting in an abnormally-shaped face and skull. Fortunately, surgery could correct her condition.

''Because the first year of life is when the most rapid brain growth takes place, surgery should be performed in early infancy. Delayed surgery could lead to brain damage or worsen the facial deformity requiring more complex and risky surgery later on. Our pediatrician, neonatologist and obstetrician all recommended the same skilled surgeon. We were comforted by the wealth of information we had obtained and the knowledge that this surgeon had been successfully treating children with craniofacial deformities for almost 30 years.

''Then the insurance nightmare began. When we left the hospital to take Breanna home, we planned to see this doctor as soon as possible. Our HMO told us that a craniofacial surgeon was not available in the physician network. We assumed that because Breanna's condition required a team of craniofacial specialists she would be allowed to go out of network to a qualified surgeon. We confidently sent our HMO a form requesting an out-of-network referral. Boy, was our assumption wrong. We had no idea that the next 3½ months would turn into a constant battle with our HMO.

''We were ready to do whatever was necessary to ensure our daughter's health. Our initial referral request was turned down. The insurance company found a surgeon in-network that performed cranial vault reconstruction 'every now and then.' We were advised to 'stay in-network.' To appease our HMO, we made an appointment with the network physician. We were not satisfied with the surgeon's experience and qualifications. It was his opinion that only one, not two, of Breanna's skull sutures were fused, and had not bothered to look at her CT Scan results.'' The mother said, ''We shudder to think what could have happened.''

Mom continued. ''We requested a reconsideration of the denial for an out-of-network referral. After numerous calls, the HMO authorized one visit to Dr. Salyer. The authorization letter stated 'service approved', not services. We knew the battle was on.

''At age 7 weeks our surgeon finally examined Breanna. My husband and I were impressed with his qualifications and experience. We were shown before and after photos of other children with craniofacial deformities. We were assured Breanna would be fine. What a sense of relief. We knew we were in the right place.

''So we sent the HMO a request for a follow-up visit to this doctor. One additional visit was approved. One. The HMO asked, 'We have an in-network provider. Why can't Breanna stay in-network?' Breanna's complex case requires experienced specialists that are not available in-network, we explained.

''During the second appointment, a January 18 surgery date was set. It was critical that surgery be completed on schedule to prevent brain damage. Our doctor explained the role of a multidisciplinary team, including an assisting neurosurgeon and a geneticist. The mandatory referral request forms were sent to the HMO, along with all the required medical documentation. Our HMO questioned the medical necessity of each and every appointment and x-ray.

''At this point, the sixth precertification manager,'' sixth, ''to follow Breanna's case continued the company line and pressured us to go in-network. We again explained that our little girl's complex case required an experienced team of specialists who were not on staff at the in-network hospital. We were told that we were not following protocol and we should have known what we were getting into when we signed up for an HMO.

''Breanna's future quality of life and health was on the line. We simply could not sit back and risk delaying the surgery or the possibility of pending brain damage. Two weeks prior to the appointment with the multidisciplinary team of specialists, we filed a complaint with the Texas Department of Insurance.

''Authorization for the CT Scan and specialist visit had still not arrived 2 days before the scheduled appointments. After numerous calls to the HMO, I was advised that because the primary care physician had not forwarded the necessary documentation, a medical necessity decision could not be made on the geneticist and neurosurgeon's visits.''

This mother was furious. Why? Because this mother works for Breanna's primary care physician, and she had witnessed the office insurance manager sending the requested documentation on many occasions.

She continued. ''I had been in communication with the HMO by phone or fax at least twice a week for the entire month of November. I faxed all the requested documentation again for the fifth time. I received approval for the CT Scan and the surgeon and the geneticist visit 1 day before the preop appointments. The HMO reported no record of a request to see the neurosurgeon and again accused the primary care physician of not supplying the necessary information.''

Remember, this is her boss. ''I faxed the requested documentation for the sixth time. After repeated phone calls and complaints, I received the last preop appointment authorization approval at 4:45 p.m.

□ 2200

The Texas Department of Insurance's investigation of our HMO must have helped Breanna's case. Suddenly, the intimidation and the obstruction ceased.

This mother continued. I am sure many of you have children and can remember a time when they were ill. Remember the pain you felt as a parent when you wanted so badly for them to feel better, how much you wanted to take away their pain. Now, imagine a child with a severe craniofacial deformity, and magnify that pain and misery 10 times.

Our hope today is that insurance companies will no longer be allowed to intimidate the families whose children suffer from birth defects or deformities. Families should never have to encounter the same obstacles we experienced. Please do not allow insurance companies to dictate who can or cannot treat these children. Many children with craniofacial deformities require the expertise of surgeons and other skilled medical professionals.

Remember this is a child's face, and all children must be allowed a chance at a normal life. And she finished her testimony.

I would say to my colleagues, this mother worked in a doctor's office, she knew how to negotiate the system. She knew that they had sent from the primary care doctor's office the information six times. What was that HMO doing? They were doing what they do all the time, they were delaying. They were denying. They were obstructing, because, you know, they figured that if they do that often enough, a lot of people will not know how to navigate the system, and they will just give up.

In this case, fortunately, for this little girl, her mother was an insider. She worked in a doctor's office and she knew how to navigate the system. But I ask my colleagues, how many of our constituents would have been able to have done what this mother did to get her daughter the kind of care that she needed?

Another mother testified, her little daughter Brenna was born August 25, 1987. This is her picture before surgery. You will note her craniofacial deformity. She has protrusive eyeballs. The middle face is forward. She has basically no jaw. Her eyes are widely set. This is her mother's testimony. We knew at the time of her birth that Brenna had a congential birth defect, but it was not until 2½ years that she was diagnosed with Hajdu-Cheney syndrome.

Brenna has the abnormal facial features characteristic of this syndrome. Her eyes are set too far apart, with overgrowth of the eye sockets causing the eyeballs to protrude unprotected. Like any preteen girl, this is in the mother's words, as Brenna has grown older, she has become more and more aware and concerned with her appearance. But, unlike her peers who endure the usual adolescent bad hair days, Brenna suffers from the knowledge that she truly does look different.

As you may have expected, Brenna has been teased by her peers. She is hurt by these remarks. It is not something that someone just gets used to; however, despite the emotional pain, she has hope. Through consultation with a reconstructive surgeon, we learned that reconstructive surgery is available to reconstruct her face to a semblance of normality. However, because of this severity of her deformity, she will need a series of operations.

The first surgery was scheduled, a minor procedure, to see how well she would tolerate surgery. The remaining procedures would be more intensive, involving reconstruction of the bones around her eyes.

With high hopes, we sent the preauthorization forms to our HMO. Two days before Brenna's surgery, we received a letter from Cigna HealthCare denying the first procedure. Brenna's surgery was categorized as ''cosmetic'' and, therefore, not a covered defect. See, we are back here again to the definition of medical necessity.

When Brenna was informed of the insurance company's denial, she became distraught. She was worried that she could not have the surgery and also worried about the financial burden it would place on her family. We simply cannot understand how the insurance company could possibly consider her surgery ''cosmetic.''

Simple every day activities, like a trip to the mall or grocery store are not enjoyable for Brenna. People stare at her. The looks come from other children, as well as adults. I have seen people go out of their way to get a better look. Brenna rarely says anything about it, but I watch her shift her position, this is her mother telling the story, usually trying to get behind me to avoid the stares.

She may suddenly claim to have a headache and want to go home. At times like this, her mother continued, my fierce protective instincts kick in, and I shield Brenna as much as possible. However, this is part of Brenna's life every single day. I am not with her every moment. She is remarkably brave, but she is a child.

Will she limit her participation in education and social activities fearing that she looks like a funny-looking kid? Without the medically necessary care she needs, of course, I worry about the lifelong impact that this may have on her.

Her mother finished by saying, Brenna's craniofacial surgery will not be performed on a normal face to remove wrinkles or to make her face appear more youthful. Her reconstructive surgery will be performed on a face with congential abnormalities with the goal of constructing her face to appear more normal. These are not cosmetic procedures.

She finished by saying, no family should have to wonder if their child will receive medically necessary care. No family should be forced to take on a financial burden for medically necessary care the insurance companies refuse to pay for.

Insurance companies should be required to cover reconstructive surgical procedures for those children with congential or developmental abnormalities.

I would add this, a famous surgeon from the Midwest a long time ago, one of the founders of the Mayo Clinic, Will Mayo had this to say, it is the divine right of man to look human. When somebody is born with their eyes on each side of their head, they do not look human.

This little girl has functional reasons why she needs surgery. Her eyeballs, as you can see, are very protuberant. When she grows older, that will get worse. It may even affect her vision, but it certainly leaves her eyes in an unprotected position because they are not surrounded as eyes normally are by a bony socket. She is at increased risk for trauma to her eyes.

I would say this, even if that were not the case, it is an arbitrary definition by her insurance company to deny her the coverage of this.

Let me talk about a few other types of medical necessity denials that HMOs have done. This woman with her family was denied a type of treatment for breast cancer by her HMO. She was featured on a cover story in Time magazine a few years ago. Her doctors and consultants recommended the treatment, but the HMO said it wasn't ''medically necessary.'' And they denied it, and this woman died.

Mr. Speaker, I recently received a letter from an emergency room doctor in Iowa who had sent this letter to the medical director of an HMO in my home State. Let me read this letter to you. Dear Dr. so and so, Dear Dr. medical doctor, this letter is in response to the ''educational'' letter I received from your HMO regarding the admission of, let us call him Smith, Mr. Smith presented with a hypertensive urgency to the emergency room, and after two doses of IV Trandate, his continued hypertensive urgency required hospital admission.

He previously had a documented myocardial infarct and stent treatment in September 1999. He had been observed in the emergency room for persisting extreme elevation of his blood pressure, and he was admitted to the intensive care unit, because we cannot monitor patients in our emergency room by our hospital regulations in Marshalltown. His blood pressure became well controlled that night.

He was discharged the following day. The patient's risk factors and extreme blood pressure elevation necessitated ICU admission for monitoring, and I had no recourse but to admit the patient.

He had got an educational letter from the patient's HMO questioning why would that patient have to go spend a night in the hospital. He went on and continued, routine harassment by HMO organizations for cases like this demonstrates why physicians and patients will push Congress for legislative relief.

I have to spend time responding to questions about a very appropriated mission when my time would be much better spent taking care of patients, especially when I was obligated by hospital regulations that the patient be admitted. Your HMO continues to place roadblocks and unnecessary obstacles in front of both patients and physicians for obtaining routine care.

I will continue to fight inappropriate letters and hassles by HMOs, including yours, and I will do everything I can to try to see that the Federal regulations are changed, and HMOs have to be responsive both to their patients and the physicians taking care of those patients.

Let me give you another example, Mr. Speaker, of the emergency care problems that could be taken care of if we could deal with the emergency care provisions in the Bipartisan Consensus Managed Care Reform Act that passed this floor, but also if we could take care of the problems as it relates to HMOs, employer health plans' ability to define as medically necessary anything they want to.

This is a well-known case of a young woman who fell off a 40-foot cliff, 50 miles, 60 miles west of Washington, D.C. When she was out hiking with her boyfriend, she fell off a cliff. She was lying at the bottom of the cliff with a fractured skull, broken arm, broken pelvis, semicomatose. Her boyfriend managed to get a helicopter in there.

This is her picture as they are bundling her up to take her to the emergency room. They took her to the emergency room. They stabilized her. They put her in the hospital. She got IV morphine for the pain and was treated. Needless to say, she was out of touch with the world for several weeks.

Her insurance company refused to pay the bill. Why, you ask. Well, because she did not phone ahead for prior authorization. Mr. Speaker, I just have to ask you, what was this young lady supposed to do? Was she supposed to have a crystal ball and know she was going to fall off this 40-foot cliff and before that happened phone ahead and get prior authorization from her HMO?

Then the HMO backed down a little bit and said, well, you know, once you were in the hospital, you should have phoned and let us know, we are still not going to pay your bill. She pointed out that she had been on IV morphine for a considerable period of time, and the thought just did not cross her mind that she had to phone her HMO.

This young lady was fortunate, because the type of health plan she had enabled her to go to her State insurance commissioner, a State ombudsman, and get help, and the HMO ended up paying the bill.

□ 2215

But the problem, Mr. Speaker, is that most people in this country receive their health insurance through their employer, and those employer plans are shielded from state insurance oversight. So they have nowhere to turn when an HMO would arbitrarily say, you know, ''It does not fit our definition of medically necessary. We are just not going to pay for this.''

Let me give you another example of a real live tragedy caused by an HMO's decision, which under current Federal

law they can defend as ''medically necessary.'' This was a little boy a few years ago, you see him here tugging at his sister's sleeve, who one night had a temperature of about 104 degrees. It is about 3 in the morning. His mother and dad look at him and they know he is sick and he needs to go to the emergency room, so they do what they are supposed to do, they phone their HMO. They dial that 1–800 number, and they get some clerk 1,000 miles away, and they explain that little Jimmy here has a really high temperature and looks sick and he needs to go to the emergency room.

That clerk makes a medical decision, over the phone, never having seen the child, and that decision is well, we will authorize a visit, but only to our hospital which is 60, 70 miles away. If you go, by the way, to another hospital as an emergency without our authorization, you will pay for that visit.

So mom and dad bundle up little Jimmy and they start their trek about 3:30 in the morning. It is stormy and rainy out. They live south of Atlanta, Georgia. The hospital that they have been authorized is clear on the north side, so they have to drive through Atlanta. Less than halfway there they past three hospitals with fine emergency rooms that they could have stopped at, but they did not have an authorization from that HMO.

Not being medical professionals, they push on. Unfortunately, en route, before they get to the authorized hospital, little Jimmy has a cardiac arrest. Picture yourself as the dad driving frantically trying to find the hospital, the mother trying to keep this little baby alive. They go squealing into an emergency room entrance, mother leaps out carrying Jimmy, screaming ''help me, help me, help save my baby,'' and a nurse comes out, starts resuscitation. They get the IVs in, and they get little Jimmy back to life.

Unfortunately, they are not able to save all of little Jimmy. At least as a contributing factor, his arrest en route, when he could have gone to a nearer hospital, Jimmy ends up with gangrene in both hands and both feet. No blood supply, both hands and both feet are dead. So the doctors have to amputate both hands and both feet. Here is a picture of Jimmy after his HMO treatment.

Now, if this happens to you and your baby and your insurance is in an ERISA self-insured plan, an employer plan, your recourse, the responsibility of that health plan under Federal law, is simply to provide the cost of treatment, in this case the cost of Jimmy's amputations.

Is that fair? Is that justice? Knowing that you, the health plan, are not legally liable for anything other than the cost of care denied, are you likely to skimp on definitions of medical necessity?

Well, it sure happens, my friends. It sure happens, and it needs to be fixed, and the only way it can be fixed is for Congress to fix it.

Jimmy today is able to pull on his leg stumps, his leg prosthesis, with his arm stumps, and he is able to hold a pen with his arm stumps. He does have bilateral arm prosthesis hooks, but he needs help to get them on. And he is a good little guy, and because of particular circumstances with his insurance, he was able to receive some compensation. But most people who would have gotten their insurance through their employers would not be able to recover anything other than the cost of care denied.

So, my friends, as the conference is meeting, we need to adopt the provisions on external appeals that were in the bipartisan Consensus Managed Care Reform Act, the Norwood-Dingell-Ganske Act, that passed the floor of the House, and that basically said that if there is a disagreement between the patient or his parents and the company on a denial of care, that you can take that through an internal appeals, but then take it to an independent appeals board consisting of doctors that have no relationship to the HMO, and that that group of physicians is able to determine what is medically necessary, as long as it does not involve a specific exclusion of coverage in the plan, i.e., a plan might say our plan does not cover liver transplants. But as long as there is not a specific exclusion of coverage, then the independent panel ought to be able to make that determination, and these are the crucial words that need to be in the legislative language that comes out of the conference, that independent panel should ''not be bound by the plan's guidelines.''

They can take the plan's guidelines under advisement, they can consider the patient's history, they can consider NIH Consensus Statement, they can consider the medical literature, all sorts of things, but they should not be bound by the plan's own guidelines.

That is what is in the Senate bill. That is why the Senate bill is not worth the paper that it is written on, because it is a circular bill. It does not do anything. At the end of the day, it does not address the problem that you have to address if you are going to do HMO reform, and that is you have to break the Federal law that says that an employer health plan can define as medically necessary anything they want to, or can deny it, according to their own guidelines.

TOBACCO

Well, Mr. Speaker, I want to talk just a few minutes about probably the number one public health problem in the country today, and that is tobacco. Each year more than 400,000 people in this country die of disease related to tobacco. Mr. Speaker, that is more people than die in a single year combined from AIDS, automobile accidents, homicides, suicides, burns, certainly medical errors. You can add all those things together, and it is still less than the number of people that are dying each year from tobacco-related diseases.

Each day in this country, each day, 3,000 children, 3,000 adolescents, start smoking, and 1,000 of those kids will die of a disease related to smoking.

As a surgeon, I have had to take care of people who have cancers of their mouth, that have required resection of most of their mandibles. In response to that, many states have done settlements, including my own State of Iowa, so we are now seeing billboards like this one, which is in Des Moines. This was put up by the Attorney General of Iowa, Iowa Department of Public Health, Centers for Disease Control. It shows two Marlboro-type cowboys. ''Bob, I have got emphysema.'' There is another one in Des Moines that says ''Bob, I have lost my lung.''

These will help, but we need to do more, because we know that the tobacco companies have in the past and are continuing to target and market kids. We know from internal tobacco company documents that they know that nicotine is one of the most addictive drugs we know of. It is more addictive, or at least as addictive, as morphine and cocaine, and they know that, the tobacco companies know, that the earlier they can get kids addicted, the harder it is to quit. That is why this cartoon shows big tobacco lighting up a ''kids'' cigarette with a ''victims'' cigarette, a chain smoker.

And it is not just that the tobacco companies have marketed and targeted cigarettes towards kids. Did you know, for instance, Mr. Speaker, that a survey was done not too long ago that showed that 80 percent of five-year-old children could associate cigarettes with Joe Camel?

Tobacco companies are also marketing and targeting kids, especially high school boys, for smokeless tobacco, chewing tobacco. There are over 1 million high school boys today who regularly use chewing tobacco.

I point out, Mr. Speaker, that we have not had tobacco spittoons in this House chamber for a long, long time.

What is the consequence of chewing tobacco? Well, as a surgeon I can tell you firsthand what the consequences are. It is like this surgical specimen. This shows the teeth of the anterior lower jaw, part of the tongue, the lymph nodes underneath the jaw. This is a surgical resection for a cancer caused by chewing tobacco. And what have the tobacco companies done? Well, they have made that chewing tobacco taste good. They have tested the flavors to see which flavors would be enticing to kids, and that is how they get them hooked on that tobacco product.

Just in Iowa alone, 37 percent of high school students smoke. Each year in Iowa, each year in Iowa, and we only have about 2.8 million people in my home state, each year 12,000 kids under the age of 18 become new smokers. Each year in Iowa more than 3 million packages of cigarettes are illegally sold to kids.

The number of people who die each year in Iowa from smoking is almost 5,000. The number of Iowa kids alive today who will die from smoking is 53,000.

It annually costs Iowa $610 million to take care of diseases directly related to tobacco use. The Iowa government Medicaid payments directly related to tobacco use are $70 million.

Mr. Speaker, I could go on with a whole bunch of statistics, but the reason that we are talking about this is that 3 weeks ago the Supreme Court by a 5 to 4 decision said Congress must authorize the Food and Drug Administration to regulate tobacco.

□ 2230

I can read from Sandra Day O'Connor's closing statement. The Supreme Court said that because there are implications for other regulatory agencies. But that did not mean that they did not think that Congress should do that, and they certainly did not think or give any indications that there would be anything unconstitutional with Congress giving the FDA that authority.

Here is what Sandra Day O'Connor said:

''By no means do we question the seriousness of the problem that the FDA has sought to address. The agency has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the single most significant threat to public health in the United States.'' Justice O'Connor is practically begging Congress to grant the FDA authority to regulate tobacco.

So last week I introduced, along with the gentleman from Michigan (Mr. DINGELL), a bill that would do that. The bill simply says that the FDA has authority to regulate tobacco; that the 1996 FDA regulations would be law.

Let me point out, Mr. Speaker, that this is not a tax bill. There would be no increases in the price of cigarettes with this bill. This is not a liability bill. This does not confer any legal immunity to tobacco companies.

This is not a prohibition bill. I have in this bill a provision that says that the FDA does not need to ban this substance. All of the health groups agree that we cannot just cold turkey all of the addicted smokers out there. After all, this is a very strong addiction.

The bill has nothing to do with the tobacco settlement.

This bill simply recognizes the facts: Tobacco and nicotine are addicting. Tobacco kills over 400,000 people in this country each year. Tobacco companies have and are targeting children to make them addicted to smoking. The FDA should have congressional authority to regulate this drug and, as they put it, the ''delivery devices.'' That is in the tobacco companies' words, those cigarettes are drug delivery devices.

Mr. Speaker, I just want to call on my colleagues to cosponsor this legislation. This is H.R. 4207. As I said, I introduced this with the gentleman from Michigan (Mr. DINGELL). Here are some of the people who are currently already cosponsors:

The gentleman from Iowa (Mr. LEACH), the gentleman from California (Mr. WAXMAN), the gentleman from California (Mr. COX), the gentleman from Iowa (Mr. BOSWELL), the gentleman from Utah (Mr. HANSEN), the gentleman from Arkansas (Mr. SNYDER), the gentleman from Maryland (Mr. GILCHREST), the gentlewoman from New York (Mrs. MALONEY), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Virginia (Mr. MORAN), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from Washington (Mr. MCDERMOTT), another physician, just like the gentleman from Arkansas (Mr. SNYDER), the gentleman from California (Mr. HORN), the gentleman from Texas (Mr. BRADY), the gentleman from Arizona (Mr. SALMON), the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. MCKEON), the gentlewoman from Colorado (Ms. DEGETTE), the gentlewoman from California (Mrs. BONO), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Florida (Mr. WELDON), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Illinois (Mr. PORTER), Mr. BARRETT, the gentleman from California (Mr. BILBRAY), the gentleman from Massachusetts (Mr. OLVER), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Nebraska (Mr. BEREUTER), the gentlemen from California, Mr. GALLEGLY and Mr. HUNTER, the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from California (Mr. CAMPBELL), the gentleman from New Jersey (Mr. SMITH), and the gentleman from New York (Mr. WEINER).

These are just cosponsors. Many others are looking at this bill. This is a very, very important issue that Congress should address. We need cosponsors for this. It will not be easy to get an FDA tobacco authority bill to the floor. But the more people that we have sign up for this, the better the chances are that we will have to address the number one public health problem in the country today, and especially for children.

Once again, I call on my colleagues from both sides of the aisle to join in a bipartisan effort to do the right thing. As I said, this is not a tax bill. This is not a liability bill. This bill would allow the FDA to regulate tobacco, especially as it is marketed and targeted to children, and it would allow the 1996 regulations to go into effect.

These are the regulations that the FDA put out that said, tobacco companies cannot market kids. They cannot put billboards up by schools, they cannot put tobacco enticement ads into children's magazines. Vending machines, cigarette vending machines, need to be in adults-only places so kids cannot just go and get cigarettes, and that kids should be carded to make sure they are the proper age before they can receive cigarettes. Those are reasonable regulations.

Also, we ought to have full disclosure on the contents of tobacco products as well, not proprietary trade secrets.

THE PROBLEM OF ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor again tonight to talk about the subject I usually attempt to address on Tuesday night before the House when we have these Special Orders to call to attention to the House of Representatives, my colleagues, Mr. Speaker, and the American people, one of the most serious social problems we are facing as a Nation. That is the problem of illegal narcotics, their disastrous impact on the United States, our economy, on families across this Nation, the tremendous toll it takes on our judicial system, and the loss of lives.

In fact, in the last recorded year, 1998, some 15,973 Americans lost their lives as a direct result of illegal narcotics. If we take in all of the other figures that are not reported, our national drug czar, the director of our Office of National Drug Control Policy, Barry McCaffrey, has testified before our Subcommittee on Criminal Justice, Drug Policy, and Human Resources that the toll exceeds some 50,000 each year in the United States.

That is truly a devastating number when we consider that we have incarcerated nearly 2 million Americans, and that some 70 percent of them are there because of drug-related offenses or committing crimes, in most cases two and three felonies on their record, under the influence of illegal narcotics and substance abuse, and we know that something is seriously wrong and something needs our attention, not only as a Congress but as a people who care about people and should care about their fate.

Unfortunately, the toll continues to mount, the tremendous impact illegal narcotics have had again on our Nation. Tonight I wanted to cite just some of the most recent statistics we have, and how some of the people who are most at risk in our national population are some of the highest victims as far as percentage, again in this terrible conflict with illegal narcotics.

According to the 1998 National Household Survey on Drug Abuse, drug use increased from 5.8 percent in 1993 to 8.2 percent in 1998 among young African-Americans; again, the victims of illegal narcotics and drug use, in particular the minority population, and in this case not quite doubling but a dramatic increase for African-Americans.

Also, according to this 1998 survey on drug abuse, drug use increased from 4.4

percent in 1993 to 6.1 percent in 1998 among young Hispanics. The Hispanic minority in this country, and particularly the youth, have been tremendously impacted by illegal narcotics. If we look at the population in our prisons, if we look at the population in our detention facilities and jails across this Nation, we would see a disproportionate number of minorities incarcerated in those facilities, and many of them there because of drug-related problems.

We hear a great deal about legacies at this time of year, especially after a 7-year administration. I do not have blow-ups of these particular charts tonight, but certainly when history records the legacy of the Clinton administration, some of these charts must be included in the pages of that history.

These were recently given to me by the director of our agency called SAMHA, the Substance Abuse and Mental Health Agency, Dr. Chavez. Dr. Chavez presented me with these charts that show from 1992 problems relating to amphetamine and methamphetamine use, and these are admission rates for abuse treatment from 1992 to 1997.

If we look at these charts we see dramatic increases, almost turning entirely dark on this chart here in the numbers that are now required for treatment and addiction to methamphetamine. This is particularly among our young people, but also among our adult population.

In fact, we get to the Midwest and the West and we have methamphetamines in epidemic proportion and use. I am going to talk about methamphetamine in a hearing that I did in California just several weeks ago, and again, what has taken place in this particular area.

If we look at heroin substance abuse treatment, again, this chart is not very big, but we can barely see some coloring here in 1992, up to some solid coloring in 1997. My own State of Florida is not darkened in, but in my area and Central Florida, heroin substance abuse and use of heroin has so dramatically increased that now last year the headlines blurted out in what is really tranquil Central Florida, the greater Orlando area, that heroin drug overdoses now exceed homicides; again, part of what has not been done to address a very serious problem and growing problem across our land.

The marijuana chart is even more revealing. We barely see any severity in admission rates or high admission rates in 1992 for marijuana substance abuse and admissions, particularly young people addicted to the marijuana. And it is not the marijuana of the sixties and seventies, with the low purity and low toxicity level. We see now again areas almost totally darkened in from a policy of ''Just say maybe,'' or ''If I had it to do all over again, I would inhale.'' Certainly that type of policy, those statements, have an impact, particularly among our young people, a legacy for substance abuse that again I think is part of the failure of this administration to address this.

In fact, with the President we can count on probably two hands the number of times that he has talked about drug abuse at any length. Even in his last speech before the State of the Union, and only less than a sentence, a passing note, did the President address this problem again that has incredible social impact across our land.

The results are pretty dramatic. It may not be talked about. We did spend several days of debate just in the last 2 weeks here because of the crisis in Colombia, because of the sheer amount and volume of illegal narcotics now pouring into our country because some of the guards that we have traditionally had in place, such as Panama, which was a forward operating surveillance operation for all of our drug operations in the Caribbean and over South America, had been dismantled, again with the Clinton administration's failure to negotiate a treaty to allow even our drug surveillance operations to continue in Panama.

With that closed down we have lost most of our surveillance capability, and now have cobbled together in Ecuador and the Dutch Antilles some minor coverage, but there is a huge gap that allows heroin or cocaine and other illegal narcotics to pour in almost unabated.

It certainly must be one of the primary responsibilities of this Congress to see that illegal substances and substances that harm our population, and particularly when we have this number of people incarcerated, when we have somewhere in the area of a quarter of a trillion dollars of damages to our economy and to our country every year with illegal narcotics, and some close to 16,000 direct deaths in just one year, that is 1998, the last recorded, and some 50,000 total, certainly it is incumbent upon the representatives of this Nation to do something about that problem.

□ 2245

The Federal portion of that problem certainly is to interdict and stop those illegal substances from coming onto our shores before they even reach our borders, but that, in fact, has not been the policy of this administration. It has been a policy of changing the emphasis on taking apart successful programs of the Reagan and Bush administrations, where we had drug abuse on a steady decline and drug use on a steady decline, and have it now skyrocketing as these charts so aptly describe.

I spoke for a few minutes about methamphetamine and the national epidemic that we have. We have held several hearings on the subject of methamphetamine, both here in Washington and field hearings. I was shocked to find the incredible impact that methamphetamines have had in the West, also, of course, in the Midwest, rural areas like Iowa, other tranquil areas like Minnesota, where we heard testimony at our hearings here in Washington of incredible amounts of Mexican methamphetamine coming in to those areas, and the action of the individuals who consume methamphetamine is as bizarre, as strange and damaging as anything we had in the crack cocaine epidemic of the 1980s, in fact probably even more of a detrimental impact on families and individuals.

One hearing that I conducted at the request of the gentleman from California (Mr. OSE) was in his district, which encompasses part of the capital city of California, which is Sacramento. Testimony that we had in Sacramento by one caregiver there was particularly revealing, something that even shocked me and I have heard testimony from a number of witnesses that is quite moving, but this individual who testified put together a program in Butte County, and Butte County is a small county in California compared to others, I think it is in the 200,000 population range, and this witness testified that since 1993 they created a drug endangered children's program which was established and actually allowed the program to detain 601 children from drug houses.

Now, again, we have to think of this as a small county, but 601 children were rescued from drug houses. One hundred sixty-two of those children were detained from methamphetamine labs so these children actually lived where their parents or guardians who were producing methamphetamine. This all came about as a result of an L.A. newspaper staff reporter, I believe his name was Don Winkle, who began writing a story after three children were left to burn to death by their mother when a methamphetamine lab exploded in Los Angeles. His story brought him to Butte County, and there this particular reporter reviewed the program that had been put in place. The testimony by this social worker was most revealing, and of course we hear on the news from time to time the very attention-getting child killing child with a gun case, and I have also cited both of the most recent cases where a 6-year-old child killed a 6-year-old child, brought in a gun and a horrible crime and everyone focused on the gun but very few in the media and others took time to reveal to the public or discuss that the child came, in fact, from a crack house, from a cocaine-infested home, if it could be called that. The father, I believe, was in jail and had been involved in illegal narcotics charges, but again the focus was on the gun but not on the setting.

Many of the other children who I will talk about here have not been publicized. This one particular case, where 3 of these children died in Los Angeles, again illustrates some of the problems that we face from illegal narcotics; in this case, from methamphetamines. The 601 children that this care worker

talked about, she went on to describe in her testimony to us and let me read a little bit of what she said. The 601 children's names and faces are different but each case and story is the same. One would think that 9 years later, with hundreds of suspects arrested, countless doors kicked in and the writing of thousands of reports that I would grow callous, but upon entering the bad guy's house again and seeing those small, round, innocent eyes looking up at me, finally someone came to save me, I turn a marshmallow. I do not have to make up stories or use the same photographs or tell the worst of the worst. They are all bad.

Her testimony went on, and let me describe this, if I may, the yard is covered with garbage, old bicycles, toys and rusted car parts. Three or four dogs run under the house or aggressively approach. Inside the house it is dark with no electricity. The stench of rotten food, animal urine and feces and soiled diapers permeate the house. Chemical odors irritate my eyes and nose. We fumble down hallways into bedrooms stepping on filthy clothing and debris. The children are startled when a flashlight shines in their way. They are sleeping on soiled mattresses with no sheets or blankets. They sleep in clothes for the third day in a row. They have not had a bath in days and cannot remember when they last ate. They rarely attend school due to lice infestation and cockroaches have become their pets. The soiled food stored in an ice chest is moldy. There is no running water and the methamphetamine laboratory is all over the kitchen. The children draw pictures for me of mommy with a methamphetamine pipe and show me bruises where mom's boyfriend hit them. The oldest child comforts the younger sibling as obviously trying to parent. None of the kids cry or, for that matter, show any emotion at all. They all exhibit a classic attachment disorder. Domestic violence is obvious with the holes kicked in the doors and the walls. A loaded firearm is found next to the couch and another under the bed, both where children have access.

Again she goes on, a description of what she sees in this house and it is unfortunately very typical. She told us that she saw these scenes over and over and over again. She said these children were lucky. We rescued them before they were injured, maimed or killed.

The newspaper clippings I collected from all over the State and even a few other States tell more horrific stories. These are some of the clippings that she provided our subcommittee and stories: Fifteen month overdoses on methamphetamine; five month old tests positive for methamphetamine and succumbs to death with 12 rib fractures, a burned leg and scarred feet by a methamphetamine addict in Los Angeles; 13 month old dies of heart trauma, broken spine and neck by methamphetamine addict. She was also raped and sodomized.

Twenty-five month old Oregon toddler overdoses on methamphetamine; a 2 year old dies with methamphetamine in the system, San Jose, California; a 2 year old eats methamphetamine from a baby food jar in Twenty-Nine Palms, California; a 14 month old drinks lye in water from a parent's methamphetamine laboratory, hospitalized permanently with severe organ damage; new baby dies from mother breast milk laced with methamphetamine in Orange County; 8 week old, 11 pound boy dies from methamphetamine poisoning found inside baby bottle in Orange County; an 8 year old watches and hears mom die in a methamphetamine laboratory in Oroville, California; a 6 month old overdoses semi-comatose seizuring, hospitalized, drank methamphetamine, also in Oroville, California; a 4 year old tests positive for methamphetamine, beaten and hair pulled out by mom and boyfriend, Chico, California; 8 children exposed to methamphetamine laboratory in day care center in southern California; and mom on methamphetamine and her addicted boyfriend drown a 2 year old in a bathtub in Sacramento.

This is just a sampling of the death, destruction and mayhem that was provided to us by this one witness from one county in California.

Most people do not know much about methamphetamines, and the addiction and epidemic is limited at this point to the Midwest and to the far West, but spreading across the country. We had Dr. Leshner, who is head of NIDA, National Institute of Drug Abuse, come and testify before our subcommittee and give us the latest information on what methamphetamines do to people. Most people who are involved in taking methamphetamine really do not know that they are setting themselves up for brain damage and destruction. We found also that the damage that is done to the brain causes such bizarre behavior that parents abandon their children.

In California, we were told where they attempted to return 35 of these children to their parents, only 5 parents were capable or willing, after being on methamphetamines, to take their children back. We were told of one parent on methamphetamine who tortured their child and then finished the child off by boiling the child alive.

This is the type of bizarre behavior that methamphetamine produces in the brain in individuals who take methamphetamine.

This is the scientific data that Dr. Leshner provided our subcommittee. This first slice of brain and this view of the brain shows dopamine, with normal dopamine levels that are required for an active, healthy brain. The second and third illustration here is a gradual reduction in dopamine levels in the brain due to methamphetamine uses. The fourth illustration here that has been provided is a brain from an individual who suffers from Parkinson's disease, and we can see the deterioration of methamphetamine from a normal brain into various stages of methamphetamine, the most severe stage, this happens to be Parkinson's but also mirrors methamphetamine. So this is what this wonderful drug has done for one county in California, what it can do for an individual, and again the damage that can be imposed on individuals. It really is shocking and I do not think most people who get hooked on methamphetamines have any idea what they are doing to themselves or the potential damage they can do to their family or their children.

The cases we have are just unbelievable.

□ 2300

Again, I do not want to go into any more of them tonight, but I will be glad to provide Members upon request additional information on what our subcommittee has found relating to methamphetamine and its horrible impact.

The other chart that I showed is heroin. I showed how heroin has now caused tremendous problems across the United States. We have a heroin epidemic in many regions of the country, including the area that I represent, which is central Florida. Heroin use and abuse is up dramatically.

Heroin is not the heroin of the 1960s, 1970s, or even 1980s. The purity in those days was in the low percentile, single digits, a 9 percent pure. The heroin that we are getting in from South America and Mexico is now running 70, 80 percent pure. That is why we have an incredible death rate in Central Florida and around the country.

Young people and others are taking heroin. They are mixing it with some other substance, alcohol or some other drug. Or even first-time users are hit with this high 70 percent pure heroin, go into convulsions, and die.

Now, I think that many people would believe that heroin has been glorified by Hollywood, and heroin is the type of drug that the stars and others in important places use. Most people do not realize the severe consequence of heroin.

Unfortunately, I am one Representative that has heard more about the tragedy of heroin than many of my colleagues. As I said, in Central Florida, our heroin overdose deaths, particularly among our young people, now exceed our rate of homicides.

One of the parents provided me with the permission to show the effects of heroin. This is particularly a gruesome depiction of the end of the life of this constituent's death, a young man in Central Florida. This is how the coroner placed the body before the body was removed.

Now, again, I know young people and many people across this land think that heroin use is somewhat glamorous. The picture I am about to show is her son as the coroner found him in Orlando, a rather gruesome picture. I show it only to show what the potential holds for using this high purity

heroin. This young man died a horrible death. His mother told me. The autopsy would reveal that.

This is not glamor. This is not celebrity status. This is death by heroin. The pure deadly heroin that suffocates one to death, causes one's blood vessels to burst. It causes one to go into uncontrollable seizures and then die one of the most horrible deaths imaginable.

Time and time again, in Central Florida, this has happened and happened in record numbers again this last year. This is only one victim. But people must understand what is happening with heroin and what heroin, what methamphetamines, and some of these other narcotics can do to their lives and their bodies. One ends up being taken out by the coroner in this fashion. These pictures end up as the last reminder your parents have of you or your family has of you.

Unfortunately, I have met many of the parents of young men and women in my district whose child has or loved one has ended up in that condition. That is one reason why I come to the floor every Tuesday night, why I continue to hammer away to get the attention of the House of Representatives, the Congress, and the American people on what is taking place with illegal narcotics. We should not have one more person fall victim as we have had in Central Florida.

Some of the most disturbing news I received is during a recent recess when I was home and talking with our law enforcement officials. They told me that we have, in fact, more drug-related deaths in Central Florida, particularly heroin. Again, there is an unabated flow coming in from Colombia, from Central and South America.

Tomorrow, we are going to focus a hearing on some of that trafficking pattern, particularly as it relates to Haiti. We have focused on the major source of production which is Colombia, which produced the heroin that killed the young man whose picture I showed just a few minutes ago.

But what is particularly sad about all of this is that, in fact, we could prevent much more of this death and destruction. We could stop a great deal more of the hard narcotics coming into this country. Certainly we have a responsibility to stop illegal narcotics coming into this country.

Unfortunately, the Clinton administration in 1993 dramatically changed the policy that kept some of these illegal narcotics from coming into our borders.

In fact, we were making good progress. Heroin was dramatically down. Cocaine was dramatically down. As my colleagues saw from the charts I presented earlier, methamphetamines were not even on the charts in 1992.

Unfortunately, this administration made a complete reversal in policy. They decided to put all of their eggs in the treatment basket.

Since 1993, we have nearly doubled the amount of money in treatment. In fact, we have also, through Republican efforts, added another billion dollars in money for education. But it has been the focus, particularly treatment, treating the wounded in this battle, rather than conducting a war on drugs as we had in the 1980s under the Bush and the Reagan administration.

The results are most telling. The Clinton administration slashed the international programs, the programs of stopping drugs at their source in the source countries by some 50 percent beginning in 1993 when they controlled the House, the White House, and the other body.

Next they slashed the interdiction programs. Interdiction is also cost effective in that it stops illegal narcotics before they get to our borders. The most expensive way to go after illegal narcotics is once it gets into our streets and communities. It requires us to put massive police forces and massive resources in law enforcement to keep up with the sheer volume that spreads and is diffused among our communities and our streets and our schools throughout our society.

But a very serious mistake was made in 1993 in cutting the source country programs and cutting the interdiction programs and use of the military for surveillance. The military never has and never will, because of our laws, become involved in enforcement. They merely provide intelligence and surveillance and information, particularly to source countries, so they could go after both the production of illegal narcotics, the trafficking of illegal narcotics, and the transit of illegal narcotics out of their country. A very effective strategy because, again, we had dramatic decreases in drug use and drug trafficking and the sheer availability of hard narcotics.

The results again are devastating. We are seeing, particularly in the last few years, huge, huge volumes of heroin coming in.

□ 2310

In 1993, there was almost zero, almost no heroin produced in Colombia. Almost none. Since 1993, again through a policy that really has been a policy of failure, the Clinton administration has managed to turn Colombia into the major source of heroin coming into the United States.

This is hard to believe, but in 1993, there was almost no coca, no cocaine produced in Colombia. There was transit from Peru and Bolivia, and some processing and transshipment from Colombia, but it was not the source of growth of coca and production. Today, Colombia is now the source of some 80 percent of the cocaine coming into the United States. And, again, a much more deadly and purer form of cocaine that is reaching our shores and killing our population.

It was not easy for the Clinton administration to make Colombia the largest producer and transiter in some 6 or 7 years, but they did manage to do it. And it has been in spite of protests by the Republican majority, in spite of direct legislative actions, in spite of appropriations trying to get resources to Colombia.

The fiasco started in 1994, when the Clinton administration stopped information sharing to Colombia and stopped intelligence exchanges with that country and some of the other source countries. It took us several years to straighten out that fiasco. And, again, in the last 2 years, the Clinton administration is now repeating the fiasco. And we see where we have been able to decrease the production of cocaine in Peru by some 66 percent, in Bolivia by some 55 percent. For the first time in just the last few months some increase in production in Peru, again because the Clinton administration has shut down some of the exchange of intelligence.

That is all documented in a report that was provided to me by GAO. I asked this independent agency to conduct a review of what is taking place. This report was produced by the General Accounting Office. It says Drug Control Assets DOD Contributes to Reducing the Illegal Drug Supply Have Declined. This is a documentation and information of what has taken place.

In fact, even the President's own ambassador to Peru cautioned that the United States should not drop its surveillance information being provided to Peru because a successful program of the information sharing was reducing the production of illegal narcotics and transiting of illegal narcotics in that country. So we have even the representative of the President speaking out against the administration's change in policy, a second disastrous change after the 1994 fiasco.

Then we have documentation here that, in fact, the DOD assets as far as flight times have dramatically decreased; that, in fact, flying hours dedicated to tracking suspect shipments in transit to the United States declined from 46,264 to 14,770, or a 68 percent decline in flight time.

So, basically, when they closed down the war on drugs, they did a very effective job not only with flight surveillance but also with the maritime shipments. This report also indicates a 62 percent decrease in maritime tracking of illegal narcotics shipments. Again, documentation of a policy that has failed and steps, including the decertification of Colombia without a national interest waiver, which would have allowed resources to get to Colombia to fight illegal narcotics.

So, basically, for the last number of years, they have allowed Colombia no assistance. Aid even appropriated and designated by this Congress has been denied to that country. And that is what has brought us to the situation we currently find ourselves in requesting the President coming forward, with a region in disarray, with 35,000 people being killed in Colombia, with complete disruption of that important and

strategic region of our hemisphere, the President coming forward at the last minute with a request for a billion dollar-plus aid package. We have passed that in the House. We hope that the Senate will take action on that.

That is a little bit of the history of where we are and how we have gotten ourselves into this situation with Colombia and also with the tide of illegal narcotics coming into the United States. We know the programs we have put in place, where we have been allowed to in Peru and Bolivia, will work if properly resourced, and with very little money, very few funds in comparison to a $17.8 billion drug budget having gone to the source country programs or to alternative crop substitution programs or stopping drugs at their source or before they get to our border.

The other thing that I wanted to address tonight is the attack on some of the zero tolerance policies. We know that zero tolerance policies have worked very well across the landscape where they have been instituted. Probably the most successful example of a zero tolerance drug policy in the United States has been that of New York City and that devised by the current mayor, Rudy Giuliani.

I know that Rudy Giuliani has been attacked recently for some of the problems that they have had with their enforcement of some of the laws in that community. And to watch television and to hear the liberal media, one would think that New York City police are out of control and that, in fact, a zero tolerance policy somehow is a policy of intolerance and a policy that would abuse the rights of individuals.

A story by, and I guess an editorial piece by columnist Judy Mann in the Friday March 24 Washington Post really set me off, and I spoke before about this, but the title of her liberal piece was The War on Drugs Can't Help But Run Amuck. She's a very determined liberal and she has used the case of Patrick Dorismond, who was shot in New York City, as a case in point for a zero tolerance drug policy that has run amuck; a war on drugs that cannot work.

She went on in her article saying that the attempted drug buy that led to Dorismond's death was part of Giuliani's latest scheme to reduce the rising homicide rate in the city.

□ 2320

This liberal reporter would have you believe that murders and homicides are up under Mayor Giuliani. Our subcommittee called Mr. Giuliani in last January, we have updated some of this information.

Before Mayor Giuliani came into office in New York, there were actually over 2,000 murders per year in New York City. In 1998, it was 629, and it rose slightly to about 670 in 1999, last year, which we do not have on the chart. Does this in any way show an increase in murder? In fact, if we had stayed at the same rate, we would be killing some 1,300 to 1,400 per year under this policy.

Now, this liberal columnist would also have you believe, and she says so, civil liberties have been another casualty on the war on drugs. This is the type of liberal nonsense that she spews out.

In fact, we looked at New York City from our subcommittee research, and we found the latest statistics revealed that crime is down 57.6 percent overall for major crimes. Murder is down 58.3 percent. Rape is down 31 percent under the Giuliani plan. Robbery is down some 62.1 percent. Felony assaults are down 35.4 percent. Burglary in New York City is down 61.7 percent. Grand larceny is down some 41.9 percent. Grand larceny auto is down some 68.8 percent.

Now, Ms. Mann and the liberals on the other side of the aisle here would have you believe that the Giuliani policy is a failure. These happen to be the facts. Now, of course, the liberals do not like to deal with facts. The facts only confuse the situation. These are the facts about crime in New York City under a zero tolerance policy.

Now, Ms. Mann and the liberals and the media out there would have you believe that there is some type of intolerance, their loss of civil liberties, or that the New York City Police department or Mayor Giuliani is in some way out of control, and that there are these rampant shootings by police officers and abuse by police officers.

The facts are, and we checked this carefully, our subcommittee did, for example, the number of fatal shootings by police officers in 1999, 11 was the lowest any year since 1973. What is absolutely more amazing is Mayor Giuliani increased the police force by 25 percent. Now, that may sound like just a small figure, or a minor figure, but New York went from 30,000 to 40,000 police, a 25 percent, 10,000 increase in police officers, and the lowest number of fatal shootings by police officers since 1993.

This zero tolerance policy that is so offensive to the liberal population, it has probably saved thousands and thousands of lives, people that would have been murdered. And we cannot even calculate the number of people that would have been raped, robbed, victims of felony assault, burglary, grand larceny or auto larceny.

Now, they go on. They would have you believe that, in fact, this drug policy and zero tolerance policy enforcement would take its toll in some other way. I wonder where Ms. Mann and the liberals were when Mayor Giuliani was not in office back in 1990, under that administration in the city. In 1990, 41 police killings took place with a fewer number of police. Moreover, the number of rounds intentionally fired by police declined 50.6 percent since 1993.

This is tough policy that is so impossible for the liberals to deal with, and the facts relating to what has taken place in New York City and the number of intentional shootings, incidents by police dropped 66.5 percent, while the number of officers actually increased during that period some 37.9 percent.

In the last 5 years alone, there were 159 cases in which police were fired upon and did not return fire, 42 officers were wounded and 6 killed in those incidents. There is probably not a more restrained-on an incident basis or population basis, police or law enforcement agency in the United States of America.

Now, where were the liberals when David Dinkins was in office? There were 62 percent more shootings by police officers per capita in the last year of David Dinkins' administration than last year under Mayor Giuliani. Specifically in 1993, there were 212 incidents involving police officers in intentional shootings; in 1994, there were 167; in 1998, under Mayor Giuliani, there were 111.

It is terrible when the liberals have to deal with fact. Heaven forbid Ms. Mann should ever research fact. Heaven forbid she should ever look at the actual statistics relating to New York City and what Mayor Giuliani has done, but she can slam a zero tolerance enforcement policy, a zero tolerance on drug policy. She can slam and try to twist facts that murders have somehow increased.

These listed are the seven major felony categories from 1993 to 1998 from 429,000 down to 212,000. I am not great at math, but I think that is about half, 50 percent reduction. Ms. Mann and the liberals would want you to be confused and make you think that zero tolerance and tough law enforcement is done in some harmful way.

These, in fact, are the facts. These, in fact, are the statistics. I always liked to contrast them, and I will close tonight, contrast with the liberal policies, the hero of the liberal side, try those drugs, folks, they are fine for you. Go ahead, let your kids use them. God forbid we should have any enforcement.

Baltimore, Maryland is the example. Thank heavens Mayor Schmoke is gone. Thank heavens we have a new mayor, Mayor O'Malley. We conducted a subcommittee hearing there a little over a week ago, the best thing that came from that hearing, I believe the mayor fired the police chief, and we have hired in Baltimore one of the prime developers of the New York City's zero enforcement policy, but this is the record of Baltimore, where Mayor Schmoke said we are not going to enforce.

I was stunned at the hearing to find out that HIDTM, high intensity drug traffic money, made available by the Federal Government for tough enforcement in Baltimore, the police chief, who again was removed, told me that they did not use those funds to go after major open drug markets. These are the results, the deaths in 1998, 212; 1999, 300.

In the last 8, 10 years under this policy, probably 3,000 young people in Baltimore were slaughtered. These are the constant kinds of numbers that we have seen in Baltimore.

□ 2330

What was more stunning with this liberal policy that the other side embraces that Ms. Mann thinks is the way to go in Baltimore is now, from the chart that we have here that was provided by DEA, Baltimore has gone from some 39,000 drug addicts to somewhere between 60,000 and 80,000 drug addicts in just the City of Baltimore. It is absolutely incredible, the damage that has been done to Baltimore through this liberal policy. In fact, one of the City Council Members, Councilwoman Ricki Spector, said it is more like 1 in 8 is now a drug addict in Baltimore.

The former Mayor Schmoke's non-enforcement liberal policy provided these things for Baltimore. In 1996, Baltimore led the Nation in drug-related emergency admissions, 785 per 100,000 population. Of 20 cities analyzed by NITA, or the National Institute of Drug Abuse, Baltimore ranked second in heroin emergency admissions. Baltimore accounted for 63 percent of all of Maryland's drug overdoses.

This is the policy that the other side is advocating, along with the liberal commentators. This is just a health problem. The tough enforcement will harm people, their civil rights will be violated, there will be shootings, that there will be some type of harmful enforcement.

This is the harm, an addicted city population, dead in incredible numbers. Remember the numbers in New York City, which is 20 to 30 times the population of Baltimore, is just about double this figure, and that is a reduction of some 60 percent since Mayor Giuliani took office.

So these are the facts, these are the options. Tomorrow our subcommittee will focus on the emerging drug threat from Haiti, part of the Clinton Administration's failed foreign policy no one likes to focus on, but a policy in which we spent nearly $4 billion in taxpayer money in nation building, primarily to support a law enforcement and judiciary which is now in charge of the biggest drug trafficking operation in the Caribbean and probably the source of more transit of illegal hard narcotics into the United States from across Haiti through the Dominican Republic up through Puerto Rico and the Caribbean into Florida and other parts of the United States, and then into our streets and schools, and their gift to our children, after spending so much of the money of American taxpayers in that nation in an effort to rebuild it.

Tomorrow we will hear that failed story, and we will find out where the Clinton Administration intends to go from here, and, hopefully, we can develop a better policy, learn by the mistakes, learn by the failures of this administration, and not repeat them. To do otherwise would be an injustice to the American people and to the next generation.

Mr. Speaker, I know my time is about to expire and I will not return until after the break for one of these, when we will provide another update, but I do appreciate your indulgence, Mr. Speaker, and the staff, who stayed to this late hour. But this is an important message. It needs to be repeated over and over again, until we have action by the Congress, until we have interest by the American people, and that we turn this deadly situation and plague on our population around.

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. BOUCHER) to revise and extend their remarks and include extraneous material:)

Mr. BAIRD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mrs. KELLY, for 5 minutes, today.

Mr. LUCAS of Oklahoma, for 5 minutes, April 12.

Mr. PORTER, for 5 minutes, April 12.

Mr. CUNNINGHAM, for 5 minutes, April 12.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, April 12.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1287 An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 12, 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:

7051. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendment: Requirements for Preparation, Adoption, and Submittal of State Implementation Plans [FRL–6540–1] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Architectural Coatings [AD–FRL–6539–2] (RIN: 2060–AE55) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Tennessee: Approval of 111(d) Plan for Muncipal Solid Waste Landfills in Knox County [TN–227–1–200001a; FRL–6539–8] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7054. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Tennessee: Approval of 111(d) Plan for Municipal Solid Waste Landfills in Chattanooga-Hamilton County [TN–219–2–200008a; FRL–6539–6] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7055. A letter from the Secretary of the Interior, transmitting the Annual Program Performance Report for the fiscal year 1999, required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7056. A letter from the Secretary of Education, transmitting the two-volume Government Performance and Results Act (GPRA) report; to the Committee on Government Reform.

7057. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters Inc. Model 500N and 600N Helicopters [Docket No. 99–SW–71–AD; Amendment 39–11564; AD 99–25–08] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7058. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C Helicopters [Docket No. 98–SW–65–AD; Amendment 39–11563; AD 2000–03–06] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7059. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211–524H–36 Series Turbofan Engines [Docket No. 2000–NE–01–AD; Amendment 39–11565; AD 2000–03–07] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7060. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Partenavia Costruzioni Aeronautics S.p.A. Models AP68TP 300 ''Spartacus'' and AP68TP 600

''Viator'' Airplanes [Docket No. 99–CE–37–AD; Amendment 39–11577; AD 2000–03–18] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7061. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 99–NM–210–AD; Amendment 39–11567; AD 2000–03–08] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7062. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes [Docket No. 99–CE–34–AD; Amendment 39–11578; AD 2000–03–19] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7063. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 99–SW–79–AD; Amendment 39–11579; AD 2000–02–12] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7064. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–174–AD; Amendment 39–11575; AD 2000–03–16] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7065. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes [Docket No. 99–NM–173–AD; Amendment 39–11574; AD 2000–03–15] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7066. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–172–AD; Amendment 39–11573; AD 2000–03–14] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7067. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–170–AD; Amendment 39–11571; AD 2000–03–12] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7068. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–169–AD; Amendment 39–11570; AD 2000–03–11] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7069. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–168–AD; Amendment 39–11569; AD 2000–03–10] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7070. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnel Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–171–AD; Amendment 39–11572; AD 2000–03–13] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7071. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines [Docket No. 98–ANE–19–AD; Amendment 39–11566; AD 99–23–26–R1] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7072. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 99–CE–59–AD; Amendment 39–11576; AD 2000–03–17] (RIN: 2120–AA64) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. LEACH: Committee on Banking and Financial Services. H.R. 4067. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; with an amendment (Rept. 106–568). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3417. A bill to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska; with an amendment (Rept. 106–569). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4021. A bill to authorize a study to determine the best scientific method for the long-term protection of California's giant sequoia groves (Rept. 106–570). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 468. Resolution providing for consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program (Rept. 106–571). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 469. Resolution providing for consideration of motions to suspend the rules (Rept. 106–572). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes (Rept. 106–573). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 471. Resolution providing for consideration of the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitations (Rept. 106–574). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 1742 referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CAMPBELL, and Mr. GOODLATTE):

H.R. 4227. A bill to amend the Immigration and Nationality Act with respect to the number of aliens granted nonimmigrant status described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, to implement measures to prevent fraud and abuse in the granting of such status, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. BEREUTER, Mr. KUCINICH, and Mr. COX):

H.R. 4228. A bill to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 4229. A bill to amend the Harmonized Tariff Schedule of the United States to correct the definition of certain hand-woven wool fabrics; to the Committee on Ways and Means.

By Mr. LARGENT:

H.R. 4230. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. BRYANT:

H.R. 4231. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to clarify and reaffirm the intent of Congress regarding the court-martial sentence of confinement for life without eligibility for parole; to the Committee on Armed Services.

By Mr. CUMMINGS (for himself, Mr. WAXMAN, Mrs. MORELLA, Ms. NORTON, and Mr. WYNN):

H.R. 4232. A bill to amend title 5, United States Code, to provide for the establishment of a program under which the Government shall furnish a home computer and Internet access to each of its employees, at no cost to the employee, and for other purposes; to the Committee on Government Reform.

By Mr. DUNCAN:

H.R. 4233. A bill to limit the amount of assistance for Egypt under the ''Foreign Military Financing Program'' account for fiscal year 2001; to the Committee on International Relations.

By Mr. FOLEY:

H.R. 4234. A bill to amend the Internal Revenue Code of 1986 to allow individuals who have attained age 65 a credit against income tax for certain drug and health insurance expenses; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 4235. A bill to establish a voluntary program for low-income Medicare beneficiaries to obtain assistance in paying for

outpatient prescription drugs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mrs. KELLY, Mr. COOK, Mr. BASS, and Mr. CANADY of Florida):

H.R. 4236. A bill to amend part C of title XVIII of the Social Security Act to improve payments under the MedicareChoice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. HUTCHINSON, Mr. GOODLING, Mrs. MCCARTHY of New York, Mr. CANADY of Florida, Mr. WEINER, Mr. TOWNS, Mrs. LOWEY, Mr. ENGEL, Mr. FROST, Mr. OWENS, Mr. CROWLEY, and Mrs. MORELLA):

H.R. 4237. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PRICE of North Carolina:

H.R. 4238. A bill to suspend temporarily the duty on Cyclanilide Tech; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. WEYGAND, Mr. MOAKLEY, Mr. MCDERMOTT, Mrs. THURMAN, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 4239. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN:

H.R. 4240. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. RYAN of Wisconsin (for himself, Mr. BARRETT of Wisconsin, Mr. SENSENBRENNER, Mr. KLECZKA, Mr. KIND, Ms. BALDWIN, Mr. PETRI, Mr. GREEN of Wisconsin, Mr. OBEY, and Mr. MARKEY):

H.R. 4241. A bill to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building''; to the Committee on Government Reform.

By Mr. THORNBERRY:

H.R. 4242. A bill to amend section 527 of the Federal Food, Drug and Cosmetic Act with respect to clinically superior modifications to previously approved or licensed drugs; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 4243. A bill to redesignate the Federal building located at 935 Pennsylvania Avenue, NW, in Washington, DC, as the ''Robert F. KENNEDY and Martin Luther King, Jr., Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. DAVIS of Virginia, and Ms. JACKSON-LEE of Texas):

H.R. 4244. A bill to establish a national center on volunteer screening to reduce sexual and other abuse of children; to the Committee on Education and the Workforce.

By Mr. DEFAZIO (for himself, Mr. SANDERS, Mr. JACKSON of Illinois, and Ms. KAPTUR):

H. Con. Res. 301. Concurrent resolution expressing the sense of the Congress that the United States, in concert with the international community, should enact transaction taxes on short-term, cross-border foreign exchange transactions to deter speculation; to the Committee on Banking and Financial Services, and in addition to the Committees on Ways and Means, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself and Mr. MURTHA):

H. Con. Res. 302. Concurrent resolution calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. GEJDENSON, Mr. SAXTON, and Mr. KING.

H.R. 65: Mr. BONIOR.

H.R. 121: Mr. WU.

H.R. 229: Ms. MCKINNEY.

H.R. 303: Mr. BONIOR and Mr. COMBEST.

H.R. 374: Mr. PASCRELL, Mr. WYNN, Mr. GREEN of Texas, Mr. YOUNG of Alaska, and Mrs. ROUKEMA.

H.R. 566: Mr. BONIOR.

H.R. 612: Mr. HALL of Texas and Mr. RAHALL.

H.R. 731: Mr. CARDIN.

H.R. 783: Mr. FILNER and Mr. UDALL of New Mexico.

H.R. 802: Ms. DELAURO.

H.R. 826: Mr. STUPAK.

H.R. 828: Mr. OWENS.

H.R. 1044: Mr. SKELTON.

H.R. 1046: Mr. LATHAM.

H.R. 1108: Mr. KIND.

H.R. 1187: Mr. SMITH of New Jersey.

H.R. 1194: Mr. JEFFERSON and Mr. LARSON.

H.R. 1195: Mr. BRYANT and Mr. STEARNS.

H.R. 1366: Mr. BONIOR, Mr. TAUZIN, and Ms. ROS-LEHTINEN.

H.R. 1367: Mr. SAXTON.

H.R. 1396: Ms. SANCHEZ.

H.R. 1456: Mr. MOAKLEY, Mr. WELDON of Pennsylvania, Mr. HOLT, Ms. CARSON, Mr. OWENS, Mr. OBERSTAR, Mr. HUTCHINSON, Mr. SPRATT, and Mr. COYNE.

H.R. 1503: Mr. HASTINGS of Washington.

H.R. 1523: Mr. THOMAS and Mr. RILEY.

H.R. 1795: Mr. NEAL of Massachusetts, Mr. TANCREDO, Mr. TALENT, Mr. PETRI, Mr. SHAW, and Mr. OLVER.

H.R. 2121: Mr. BROWN of Ohio, Mr. MOAKLEY, Mr. CUMMINGS, Mr. Smith of Washington, and Mr. BLUMENAUER.

H.R. 2129: Mr. COX, Mrs. BIGGERT, Mr. SHAW, Mr. KOLBE, and Mr. HUTCHINSON.

H.R. 2141: Mr. FORBES.

H.R. 2166: Mr. FARR of California.

H.R. 2263: Mr. BILBRAY.

H.R. 2264: Mr. BILBRAY.

H.R. 2269: Mr. FILNER, Mr. MARTINEZ, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Ms. BALDWIN, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. OWENS, Mr. SERRANO, Mrs. TAUSCHER, Ms. WATERS, and Mr. PAYNE.

H.R. 2341: Ms. DANNER, Mr. COMBEST, Mr. LANTOS, Ms. CARSON, Mr. ISAKSON, Mr. ENGLISH, Mr. MCINTYRE, Mr. CANADY of Florida, Mr. FATTAH, and Mr. POMEROY.

H.R. 2365: Ms. MCKINNEY.

H.R. 2420: Mr. HILL of Indiana, Mr. FILNER, Mr. PETRI, Mr. BACA, and Mr. DICKEY.

H.R. 2631: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2722: Ms. MCKINNEY.

H.R. 2736: Ms. DEGETTE, Mr. FALEOMAVAEGA, Mr. OWENS, and Mr. ETHERIDGE.

H.R. 2817: Mr. UDALL of New Mexico.

H.R. 2870: Ms. ROS-LEHTINEN and Ms. LOFGREN.

H.R. 2909: Mr. UDALL of New Mexico.

H.R. 2953: Mrs. KELLY and Ms. SANCHEZ.

H.R. 3105: Mr. SAXTON.

H.R. 3161: Mr. MCNULTY, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, and Ms. DELAURO.

H.R. 3174: Mr. BASS.

H.R. 3193: Mr. KILDEE and Mr. FRANK of Massachusetts.

H.R. 3224: Mrs. MORELLA.

H.R. 3225: Ms. DUNN, Mr. LAMPSON, and Mr. MCDERMOTT.

H.R. 3235: Mr. KUYKENDALL.

H.R. 3250: Mr. BRADY of Pennsylvania, Mr. SANDLIN, Mr. BONIOR, Mr. EVANS, Mrs. THURMAN, Mr. CARDIN, Mr. BERMAN, and Mr. MEEHAN.

H.R. 3293: Mr. BRADY of Pennsylvania, Mr. BLUNT, Ms. WOOLSEY, Mr. LEWIS of California, Mr. RILEY, and Mr. WALSH.

H.R. 3308: Mr. KINGSTON.

H.R. 3313: Mr. PORTER.

H.R. 3315: Mr. ROTHMAN.

H.R. 3408: Mr. ISAKSON.

H.R. 3508: Mr. DOGGETT and Mr. HOLT.

H.R. 3514: Mr. OBERSTAR and Mr. NADLER.

H.R. 3525: Mr. GREEN of Texas.

H.R. 3571: Mr. OWENS.

H.R. 3574: Mr. MCINNIS, Mr. PAUL, and Mr. GIBBONS.

H.R. 3590: Mr. STUMP.

H.R. 3593: Mr. SWEENY, Mr. LAHOOD, and Mr. STUMP.

H.R. 3594: Mr. JOHN and Mr. BAIRD.

H.R. 3661: Mr. MORAN of Kansas, Mr. BASS, Mr. BOSWELL, Mr. LEWIS of Kentucky, and Mr. BACHUS.

H.R. 3686: Mr. WYNN.

H.R. 3806: Mr. NEAL of Massachusetts and Mr. FALEOMAVAEGA.

H.R. 3842: Mr. GONZALEZ, Mr. CLAY, and Mr. KENNEDY of Rhode Island.

H.R. 3916: Mr. COBURN, Mr. LEWIS of Kentucky, and Mr. FRELINGHUYSEN.

H.R. 3928: Mr. RAHALL, Mr. ENGEL, Mr. DEUTSCH, Mr. BRADY of Pennsylvania, and Mr. GEJDENSON.

H.R. 4011: Mr. BLAGOJEVICH and Mr. GREEN of Wisconsin.

H.R. 4032: Mr. LARGENT.

H.R. 4033: Mr. MOLLOHAN, Mrs. MALONEY of New York, Mr. FALEOMAVAEGA, Mr. ROTHMAN, Ms. LEE, Mr. DOYLE, and Ms. RIVERS.

H.R. 4051: Mrs. BIGGERT, Mr. SHAYS, and Mr. BACA.

H.R. 4064: Mr. STENHOLM, Mr. OBEY, Mr. HAYES, Mr. THUNE, Mr. PICKERING, Mr. GUTKNECHT, Mr. WATKINS, Mr. BOEHNER, Mr. GILCHREST, Mr. WALDEN of Oregon, Mr. SHOWS, Mr. HOSTETTLER, Mr. PETERSON of Minnesota, Mr. BURR of North Carolina, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. BEREUTER, Mr. JONES of North Carolina, Ms. DANNER, Mr. SESSIONS, Mr. EWING, Mr. BLUNT, Mr. HULSHOF, and Mr. TALENT.

H.R. 4069: Mrs. CLAYTON.

H.R. 4082: Mr. SESSIONS, Mr. POMEROY, Mr. BARRETT of Wisconsin, Mr. STENHOLM, Mr. SANDLIN, Mr. BARR of Georgia, Mr. ENGLISH, and Mr. GONZALEZ.

H.R. 4094: Mr. VISCLOSKY, Mr. RAHALL, Mr. COSTELLO, Mr. SCOTT, Mr. HALL of Ohio, Mr. DAVIS of Florida, Mr. SMITH of New Jersey, and Ms. KAPTUR.

H.R. 4108: Mr. MCHUGH, Mr. BONITOR, and Mr. PAYNE.

H.R. 4124: Mr. WATTS of Oklahoma.

H.R. 4144: Mr. MASCARA and Mr. COSTELLO.

H.R. 4154: Mr. BARTLETT of Maryland, Mr. COBURN, and Mr. YOUNG of Alaska.

H.R. 4182: Mr. MILLER of Florida, Mrs. NORTHUP, Mr. EHLERS, Mr. GREENWOOD, Mr. ROHRABACHER, Mr. ETHERIDGE, Mrs. FOWLER, Mr. NORWOOD, and Mr. DELAY.

H.R. 4206: Mr. FRANK of Massachusetts, Mr. RUSH, Mr. FATTAH, and Mr. FALEOMAVAEGA.

H.R. 4207: Mr. PORTER, Mr. BARRETT of Wisconsin, Mr. OLVER, Mr. BILBRAY, Mr. BEREUTER, Mr. GALLEGLY, Mr. HUNTER, Ms. SLAUGHTER, and Mr. CAMPBELL.

H.R. 4211: Mr. CROWLEY, Mr. ENGEL, Mr. HINCHEY, Mr. NADLER, Mr. BALDACCI, Ms. WOOLSEY, Mr. BERMAN, Mrs. MORELLA, Ms. DELAURO, Mrs. KELLY, Mr. MCGOVERN, and Mr. ALLEN.

H.R. 4219: Mr. KOLBE, Mr. RODRIGUEZ, Mr. MCGOVERN, Mr. HANSEN, and Ms. LOFGREN.

H.J. Res. 94: Mrs. BONO.

H. Con. Res. 101: Mr. EWING.

H. Con. Res. 220: Ms. RIVERS and Ms. DELAURO.

H. Con. Res. 256: Mr. MCINTOSH.

H. Con. Res. 259: Mrs. MEEK of Florida, Mr. SANDERS, Mr. LARSON, Ms. MCKINNEY, and Ms. RIVERS.

H. Con. Res. 271: Mr. FRANKS of New Jersey and Mr. DOYLE.

H. Res. 415: Mr. LANTOS.

H. Res. 452: Mr. FROST, Mr. LIPINSKI, Mr. ACKERMAN, Mr. EVANS, Mr. STARK, Mr. LAFALCE, Mr. BARRETT of Wisconsin and Ms. DANNER.

H. Res. 465: Mr. CANADY of Florida and Mr. GREENWOOD.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, APRIL 11, 2000 No. 45

Senate

The Senate met at 10 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:

God our Father, we pause in the midst of the changes and challenges of life to receive a fresh experience of Your goodness. You are always consistent, never changing, constantly fulfilling Your plans and purposes, and totally reliable. There is no shadow of turning with You; as You have been, You will be forever. All Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, 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 PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. to accommodate the weekly party conference meetings. When the Senate reconvenes, there will be 10 minutes equally divided prior to the vote on invoking cloture on S. 2285, the Federal fuels tax holiday. Therefore, Senators can expect that the vote will occur at 2:25 p.m.

By previous consent, all second-degree amendments must be filed by 2:20 p.m. today. If cloture is not invoked, it is hoped the Senate can begin consideration of the marriage tax penalty bill.

As announced by the majority leader, the Senate will consider the budget conference report as soon as it becomes available later this week.

It is also possible for the Senate to consider executive nominations before the Senate adjourns for the Easter recess.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the Democratic leader, or his designee, is recognized to speak for up to 75 minutes.

The Senator from Illinois is recognized.

SCHOOL SHOOTINGS

Mr. DURBIN. Mr. President, this week is the last week the Senate will be in session before we take a break for the Easter holiday. During the period of that break, on April 20, we will remember an anniversary. It is a sad remembrance. It is the 1-year anniversary of the shooting at Columbine High School in Colorado.

Most of us can remember the scenes from television played and replayed so often. The scenes of children, not unlike our own children, racing out of the school away from other kids who were shooting away with weapons. You can remember, I am sure—I will always remember—a young man who dragged himself, having already been shot, out of a window, trying to fall to the ground and get away from danger. We saw that terrible scene on television.

We watched as the funerals unfolded one after another; 12 innocent students were killed and 23 were injured.

We finally came to realize as a nation that the tragedy which struck in Colorado could touch any one of us anywhere and at any school. Columbine was not the most predictable place for this to occur. Columbine was a place where you would have thought that would never occur. But sadly, this is the reality of America where too many guns are used in crimes of violence.

If you look through the chronology of school shootings since 1997, Bethel in the State of Alaska; Pearl, MI; West Paducah, KY; Jonesboro, AK; Edinboro, PA; Fayetteville, TN; Springfield, OR; Littleton, CO; Conyers, GA; Deming, NM; Fort Gibson, OK; Mount Morris Township, MI—you will remember that episode in Michigan. It wasn't that long ago. On February 29, a 6-year-old boy went to his first-grade classroom, pulled out a 32-caliber Davis Industries

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

semiautomatic pistol, pointed it at his classmates, and then turned the gun on Kayla Rolland, 6 years old, and fatally shot her in the neck.

This sad reality is on the minds of American families. The obvious question of the Senate and the Congress is: Is there anything you can do? What can you do? What will you do?

The first anniversary of Columbine will come and go next week, and sadly Congress will have done nothing—absolutely nothing.

We passed a bill last year on the floor of the Senate which at least moved us closer to the possibility of keeping guns out of the hands of criminals and children.

There was an idea behind this law that was not an unreasonable or radical idea, which was the suggestion that if a person bought a gun at a gun show, that person would be subject to the same background checks as a person who bought one from a licensed gun dealer. We don't want to sell guns to criminals. We don't want to sell them to people with a history of violent mental illness. We certainly don't want to sell guns to children. Why wouldn't we check at a gun show to make certain that we are keeping guns away from those people? That is what the law said. That was what was passed here in the Senate.

The background check has become automated and computerized. Within 2 hours after the name is submitted, some 95 percent of all of the names submitted—they run them through—95 percent of the people who buy a gun at a gun show would be delayed 2 hours from buying a gun. For the 5 percent where questions are raised and they can't give them an immediate answer, that 5 percent is 20 times more likely to be in a prohibited category; that is, they are 20 times more likely to be criminals, people with a history of violent mental illness, or those who should otherwise be disqualified.

The law we proposed was not a radical idea. It said: Can you wait 2 hours at a gun show so we can do a background check and make sure that people who should not buy guns, don't buy them? It is an inconvenience. But you know, we put up with inconvenience every day for the security of ourselves and our families.

When I flew through O'Hare Airport yesterday to come to Washington, I went through a metal detector. They stopped me: Take the change out of your pockets and go back through. That is an inconvenience. That is a delay. I am prepared to accept that. If it means there will be fewer terrorist attacks and fewer threats on people traveling, I accept it.

That is what this law says; it is an inconvenience. At a gun show, wait for the background check to be completed before you are allowed to get your gun. That is what we proposed.

Second, we said if you are going to own a gun, you have a legal responsibility to store it safely. You exercise your constitutional right under the second amendment to buy a gun, but then when you take it home, for goodness' sake, put it in a place so children can't get their hands on it.

We called for trigger locks, and that is becoming a popular, common suggestion—it is not an unreasonable suggestion, certainly—so children don't get their hands on guns. Every day in America, we lose just as many kids to guns as we lost on April 20, 1999, at that one high school in Colorado—12 kids a day die because of guns. Some are suicides, some are drive-by gangbanger shootings, and others are just accidents where curious kids play with guns and shoot themselves or their playmates.

Our bill said let's require trigger locks on guns, let's make sure they are stored safely and the kids, such as this fellow in Michigan, do not end up with a .32-caliber Davis industries semiautomatic pistol in the first grade where he killed Kayla Rowland. That was the second part of this bill.

The third part said you don't need these high-capacity Ammo clips with hundreds of bullets in them if you are going out to shoot a deer. If you need a semiautomatic weapon to shoot a deer, maybe you ought to stick to fishing. We are saying we don't need to make these clips in the United States nor do we need to import them. These are people killers. These are not guns used in sporting or hunting enterprises. That was the third part of the bill.

We almost lost the gun shows provision I have just described on the Senate floor. The gun shows amendment passed by one vote, the vote of Vice President GORE, who under the Constitution can break a tie. He showed up that day and cast the deciding vote. We passed the gun shows amendment by one vote after Columbine, after this national tragedy. We passed it by one vote. We sent it across the Rotunda to the House of Representatives. Now it is their responsibility. We gave them 2 or 3 weeks to prepare to debate the bill. But we obviously gave the gun lobby at least the same period of time to prepare their campaign against it. And they were successful. They watered down the gun shows amendment. They took the viable parts out of it. They passed a shadow of what we passed in the Senate.

At that point, it goes to the conference committee and the House and Senate sit together and try to work out a compromise. Here we sit, almost a year after Columbine, and we have done absolutely nothing. Families across America who expect this Congress to do the most basic things for gun safety have a right to be angry that this Congress is so insensitive and unwilling to address this critical issue of gun safety, of safety in the classrooms, keeping guns out of the hands of criminals, violently mental ill people, and children.

The other side says, of course, it isn't about new laws. We hear the gun lobby say we have plenty of laws, it is about enforcing the laws on the books. How many times have we heard Charlton Heston and those folks come up with that argument? I don't disagree with them. I think enforcement is critical and existing laws should be enforced.

So last week while we were debating the budget resolution, I brought a proposal on the floor of the Senate. Many Members, frankly, subscribe to the NRA position that we need more enforcement. I said let's put more agents and inspectors in the Bureau of Alcohol, Tobacco and Firearms so they can find the gun dealers who are breaking the law and selling their guns to criminals; let's put 1,000 more prosecutors across America to enforce those laws, prosecute those laws, and put people in jail who violate those laws.

Unfortunately, I couldn't succeed and I didn't prevail. A Senator came to the floor and offered an alternative which took out all the money for the ATF agents and inspectors. He didn't want to put more enforcement in the gun laws of America. And he prevailed. The argument that this is about enforcement doesn't square with the vote that took place last week.

There are 102,000 gun dealers across America, about 80,000 who actively sell weapons that are used in sport and hunting. When we did a survey, out of those 80,000 federally licensed gun dealers, we found if we narrowed it down to those gun dealers who sell guns that end up being used in crime, traceable guns used in crime, only 1,000 of the 80,000 gun dealers are the culprits, the ones selling guns to people that are ultimately used in crime. Over half the guns used in crime in America come from 1,000 of the gun dealers out of 80,000.

It makes sense to me to go after these 1,000, and it makes sense to me to give resources to the ATF and the Department of the Treasury to go after these gun dealers, close them down if we have to, but enforce the law. Don't let people—whether they are in Illinois, my home State, or any other State—sell guns that are going to be used in a crime.

When I put the amendment on the floor, the other side couldn't accept that. They didn't want to put more enforcement in the gun laws. So they came up with a much weaker alternative.

Here we are at the traditional and historic standoff. This Congress failed to act for 1 year after Columbine. The images are still fresh in our mind of those kids running for their lives out of their own high school; those caskets, one after the other, at funerals; grieving parents, grieving communities, and a grieving nation; and this Congress, unable and unwilling to respond or act. It is shameful. It is disgraceful. And it continues. The school violence, the gun violence that struck Columbine, continues. Look beyond the schools. We see it in the streets and the neighborhoods, and more children will die today

in America, 12 more, the same number killed at Columbine—12 more—because we will not take the initiative for gun safety.

Has this Congress reached such a point that we are under the thumb of the National Rifle Association and the gun lobby? That we would let those well dressed lobbyists down on K Street rule our agenda to the point where American families are being ignored? I hope not.

I hope when we remember in just a few days the anniversary of Columbine, families across America will take just a few minutes, get on the phone, and call their Congressman and their Senator and ask them one simple question: I just heard about Columbine; what have you done with your vote to make my kids safer in school since this tragedy? If citizens will call and ask that question, perhaps we will see a change of sentiment here on Capitol Hill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, I thank once again the Senator from Illinois for his eloquence on the issue of sensible gun laws and add my voice to his plea that the Senate do what it is supposed to do, which is to bring out the juvenile justice bill with five sensible gun control measures, sensible measures that will reduce gun violence.

I thank the Senator from Rhode Island, Mr. REED, who is on the floor as well, for his very important sense-of-the-Senate Amendment to the budget resolution, which actually says it is the opinion of the Senate that we ought to be voting on those gun measures. It passed by a slim majority, but so far we have not seen any results.

GAS TAX REPEAL

Mrs. BOXER. Mr. President, the reason I take to the floor today is not only to underscore what Senator DURBIN has said but to say that while I think we should be doing this juvenile justice bill and passing the gun measures that lie within it, what we are doing today makes no sense at all, in my view, which is to cancel, if you will, the 4.3-cent Federal tax on a gallon of gasoline which, in the case of my State, if carried out over 2 years, would lose my State $1.7 billion in highway funds and transit moneys.

The people in my State are very smart. We are suffering from the highest gas prices in the United States, but we also understand the answer is not to use this as an excuse to slash highway funds, to begin drilling off the coast of California or to open up the Alaska Wildlife Refuge to drilling. People in my State understand we need an energy policy, not some kind of gimmickry that the other side is using to lash out at Vice President GORE and say he, in fact, wants higher gas taxes, which is just a made-up story.

What we need in this country is an energy policy. What does that mean? First, it means having a Department of Energy that comes forward with an energy policy for safe ways to produce energy in this Nation and ways to save energy.

What does the Republican Congress want to do? I think we can look over history if we want to find out. First, when they took over in 1994—they got sworn in in 1995—one of the first things they tried to do was eliminate the Department of Energy. That makes a lot of sense. We need an energy policy, so what is the first thing they do? Try to eliminate the Department of Energy? I have to say, Bill Richardson did a masterful job of going around the world convincing the producers of oil to do a better job, to increase their supply. But, if the Republicans had their way, there would be no Cabinet position because there would be no Department of Energy. So that is the first thing they did in order to have an ''energy policy.''

What else did they try to do? Every year, year in and year out since they took over, they have not provided adequate funding for alternative and renewable energy, which would lessen our dependence on foreign oil. This is shortsighted and it only means our dependence on foreign oil will increase. We need more investment in energy-efficient technologies, not less.

If you think I am just stating something that perhaps I cannot back up, let me give you the facts. On solar and renewable energy research and development, between the years 1996 and 2000, the Republicans have cut President Clinton's requests by 23.6 percent. On energy and conservation R&D, they have cut the President's requests 20.3 percent. Energy conservation grants, which are so important to encourage energy conservation—by the way, that is the best kind of energy policy, conservation; everybody wins. It costs the consumer less, and it destroys our environment less—they cut those grants by 25.4 percent. So the bottom line is they first wanted to do away with the Department of Energy. That was their program. Then they took the funding for energy efficiency and renewable energy and cut it by 22.2 percent.

How about this one? Our Secretary of Energy goes around the world and gets an increased oil supply of about 1.7 million barrels a day, which is excellent work—he did a good job. We could save 1 million barrels of oil a day if we increased the fuel economy of SUVs and light trucks to 27 miles per gallon. Now they are at about 20. We could save 1 million barrels of oil a day from that simple step. What happens around here? The Republicans, in 1995, put a rider on appropriation bills prohibiting the administration from raising fuel economy standards for SUVs and light trucks just to get it to 27 miles per gallon, which it is at now for cars.

This sounds like ''and a partridge in a pear tree.'' We have continual moves here: Eliminating the Department of Energy, providing in adequate funding for alternative and renewable energy, and riders prohibiting raising fuel economy for SUVs and light trucks.

Here is another one. We know when energy prices go up, it is very important that the President have the ability to tap the Strategic Petroleum Reserve. It is there when there is an emergency. It is very important that he have that power. The Republican Congress has failed to reauthorize the Strategic Petroleum Reserve, and without new reauthorization, no funds can be appropriated for the purchase of new oil for the reserve. So the reserve is not going to increase. That is very important.

This is four policies, all of which undermine an energy policy for this country to lead to U.S. independence from foreign oil: Eliminating the Department of Energy, providing inadequate funding for alternative and renewable energy, stopping us from increasing fuel efficiency for SUVs and light trucks, and failing to reauthorize the Strategic Petroleum Reserve.

What do they come up with today? Repealing the gas tax. That is not an energy policy; it is a disaster—$1.7 billion lost over 2 years to my State. It would hurt my State. The country as a whole would lose $18.8 billion from the measure that is going to come before us. I hope we will not get cloture so we do not take it up. The Senate, frankly, has expressed itself on the budget resolution against this shortsighted amendment.

This is not, however, the only thing my friends on the other side of the aisle are pushing. I mentioned in my opening statement drilling in the Arctic Wildlife Refuge. There is a big debate over that: Should we allow drilling in a wildlife refuge? I say we give this the commonsense test. When President Eisenhower set up this refuge, do you think he thought about oil drilling in a refuge for the most magnificent wildlife you could find? I do not think so. Just think about it. What kind of refuge is it, if you have oil drilling there, with the risk of spills and all the traffic that comes with it?

Some are again calling for drilling off the coast of California. I have to explain to my friends who think that is an energy policy that that would undermine California's economy because our tourism industry is dependent on a beautiful, magnificent coast. Our recreation industry is dependent on a beautiful, unspoiled coast. We should not use this spike in gas prices as an excuse to destroy the highway fund, to destroy the coast, to destroy a wildlife refuge. I think the American people can see through this. It does not an energy policy make, to repeal a tax which is earmarked for highways. It makes no sense whatsoever.

Here is another fact: Right now in America there are 68,000 barrels a day

being drilled and exported out of our country. While colleagues are talking about drilling in a refuge and drilling off the coast, we are exporting 68,000 barrels a day.

There are 1 million barrels a day wasted because they will not vote to increase the fuel efficiency standards for SUVs and light trucks. They vote down energy efficiency budget recommendations by this President. They do not give him the tools for increasing the quantity of gas or oil in the Strategic Petroleum Reserve. They turn a blind eye to the oil companies that are merging at a rapid rate. I was an economics major in college many years ago. I am the first one to admit that it was a long time ago. One thing I learned and which has not changed was that competition is important for the consumer. When we have less competition, the consumer suffers. We have seen merger after merger. Yet we do not hear anyone on that side of the aisle saying maybe it is time we put a moratorium on these mergers. On the other hand, they support these mergers, as far as I can tell. We need to impose a moratorium on these mergers.

Mergers are at a near frenzy. Shell and Texaco entered a joint venture, which is essentially a merger, in 1997. British Petroleum and Amoco merged shortly thereafter. Last year, Exxon and Mobile merged. BP/Amoco is currently attempting to acquire California-based ARCO. If one overlays gas prices with these mergers, it is straight up. It is common sense: Less competition, higher prices.

There are secret oil company documents that we know have been filed as part of the Federal Trade Commission's lawsuit to block the merger. Those secret documents ought to be made public. One can see, if one reads the filing, that the FTC has made explosive charges of oil price manipulation by BP. We know that a lot of BP's oil is being exported from this country. If we are going to allow this merger to take place, we should at least insist that oil stay here rather than stand up in this Chamber and say we are going to repeal the 4.3-cent-a-gallon tax which is going to destroy the highway trust fund. The people in my State are against this proposal.

Between 1973 and 1995, we banned the export of the Alaska North Slope crude. The GAO has said that lifting this export ban increased the price of crude by more than $1 a barrel.

We can create an energy policy that will result in the lowering of gas prices and, by the way, help the environment and clean up our air. What do we do around here? We do not do the long-range planning. We are not listening to the people who have studied this issue for years. We are turning a blind eye to these mergers which make prices skyrocket. We are not doing anything about stopping the exportation of Alaskan oil. We are not increasing the fuel economy standards.

We are taking the short view and trying to make political points by saying: If we take away that 4.3-cent-a-gallon tax, it is going to solve our gas price problem. That is not the answer. The American people are smart. They see this for what it is: A political ploy; it does not do anything; it robs our States of needed money for highways while they keep cutting back the funds the President requests for energy efficiency.

I stand here as someone who has been involved in energy efficiency issues since I was a county supervisor in the seventies. That is when we had those long lines because gas prices were high and people were scared. By the way, that is when the American car companies lost their market share because it was the foreign carmakers that were making the fuel-efficient cars. Why don't we learn from history? Why don't we do the right thing instead of this short-term idea that makes no sense at all, that will only hurt our environment, will hurt our people, will hurt our ability to build the highways we need in the future, and absolutely does nothing about lessening our dependence on foreign oil.

I am very pleased I had this opportunity to speak because I think this issue is clearly one of the most important we can consider.

My last point is, half of our trade deficit is due to imported oil. What is reducing the gas tax 4.3 cents a gallon going to do to lessen our dependence on foreign oil? Zero. Nothing. Nada. Let's do something that is going to help our balance of trade, that is going to help our environment, that is going to help our economy, and that is going to help our people.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island. The Chair inquires how much time the Senator from Rhode Island will use.

Mr. REED. Somewhere between 5 and 7 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. MURKOWSKI. Mr. President, I remind the Chair, ordinarily we go back and forth.

The PRESIDING OFFICER. The Senator from Rhode Island has been here waiting, so the Chair decided to recognize him.

Mr. MURKOWSKI. Mr. President, who controls time on this side?

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska, or his designee, is to be recognized for up to 75 minutes.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

COMMONSENSE GUN CONTROL MEASURES

Mr. REED. Mr. President, last week, by a bipartisan vote of 53–47, the Senate adopted the Reed amendment to the budget resolution calling on the conference committee on the juvenile justice bill to submit a report by April 20 of this year, which is the 1-year anniversary of the tragedy at Columbine High School, and include in that report commonsense gun control provisions which this Senate passed last May.

These provisions include an amendment that child safety locks be sold with all handguns; an amendment to close the gun show loopholes so a complete background check can be done on all purchasers at gun shows; a ban on the importation of high-capacity ammunition clips; and a ban on juvenile possession of semi-automatic assault weapons.

We adopted the Reed amendment, sponsored by many and supported by 53 Senators, because we wanted to send a message to the leadership of the House and Senate that America has waited too long for us to respond to the tragedy at Columbine High School, too long to respond to the pervasive floodtide of gun violence that every day kills 12 American children.

We have been down this road before. In 1993 and 1994, after a long legislative battle, we were able to pass the Brady law and the assault weapons ban over the objections of the gun lobby and their allies in Congress. Since 1993, we have seen a 20 percent reduction in crime in the United States. Gun crimes in particular fell 37 percent between 1993 and 1998.

No one can claim the Brady law or the assault weapons ban alone was the cause of this decline. There are other factors. We also know that preventing 500,000 felons, fugitives, and other prohibited purchasers from easily obtaining firearms has made a significant contribution to that reduction in gun violence.

The American people were with us when we passed those commonsense gun initiatives in 1993 and 1994, and they are with us today. Eighty-nine percent of Americans favor requiring a background check on all sales at gun shows. A similar percentage, 89 percent, favors requiring child safety locks be sold with all handguns.

Unfortunately, the gun lobby and its allies in Congress are trying to hide behind a claim there is inaction in enforcement, arguing that we need tougher enforcement, not new gun laws.

We agree, we need good, strong enforcement of our gun laws. We need additional resources devoted to this task. That is why we support the President's request for substantial new resources for gun law enforcement, including 1,000 new prosecutors, 500 new ATF agents and inspectors, an expansion of the Project Exile program to toughen sentences for gun crimes, and new ballistics testing procedures. We need all these things.

But the gun lobby presents us with a false choice between tougher enforcement or more legislation. The American people know we need both. You cannot enforce a loophole. We need legislation to close these loopholes so our

authorities can truly and effectively and efficiently enforce the law.

The gun show loophole is just one example. When one-quarter or more of dealers at gun shows are unlicensed and therefore are not subject to the Brady background checks—they do not have to check the background of the purchaser—it does not take a genius to figure out, if a prohibited person seeks to purchase a weapon, where they will go. They will go right to those unlicensed dealers at the gun shows.

Under current law, someone who is a felon, someone who is prohibited from purchasing a firearm under the Brady law, and other laws, could go to an unlicensed dealer at a gun show and purchase as many weapons as he or she wanted without any type of background check, and they would not be effectively screened for the acquisition of a firearm.

Senator LAUTENBERG has many times on this floor pointed to Robyn Anderson—the woman who went to a Colorado gun show with Dylan Klebold and Eric Harris to help them buy 3 of the guns they used to kill 13 people at Columbine High School—who has said that the process was much too easy. In fact, it is reported that Harris and Klebold repeatedly asked dealers at the gun show if they were licensed or unlicensed, eventually finding a private seller, an unlicensed seller, in order to avoid paperwork and background checks.

What could be clearer? What could be more compelling for the need to close this loophole than the demonstration that these two young men were clever enough—and, frankly, the law is so wide open, you do not have to be that clever—to find a way to purchase weapons when they were supposed to be prevented from doing it? And they did.

Robyn Anderson later testified before the Colorado legislature, saying:

> It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

We need to move promptly and swiftly to pass the Lautenberg amendment which was included in the juvenile justice bill to close this loophole and give our authorities the leverage they need to truly enforce the laws. The time has come for action. We have waited for an entire year. That wait is unforgivable. The memories of those students and what happened there linger. We should have done something much sooner than this. But we have a chance.

What is even worse is that Congress is about to go into a recess at the end of this week. So when all of those grieving families in Colorado and across the country come together on April 20 to ask, ''What have we done,'' not only will we say ''nothing,'' but we will be far from the center of Washington where we should have done something. We can pass this legislation.

What kind of message does that send, not only to the people of Columbine but the families of thousands and thousands of people who die each year? Over half of them are not killed in some type of confrontation; over half of them are killed by accidents and suicides.

We have to do something. We can do something. If we had safety locks on weapons, that could help, or we could think about, as some States do, having a waiting period. We used to have a waiting period with the Brady bill, but, again, to get that legislation through the Congress, we had to—as soon as the instant check system was put into place—abandon the waiting period.

There is more we can do.

Finally, I thank those Republican and Democratic Senators who joined last week to pass the Reed amendment, to send a strong signal to the leadership that we have to do something—words are insufficient—to express truly what we should express with respect to the tragedy at Columbine.

We need action. We need legislation. We need laws that will give our enforcement authorities the tools to do the job and do it well. Although the time is dwindling away, I hope we can move quickly so that on April 20 we will not only commemorate a tragedy but celebrate the passage of legislation that will help prevent, I hope, future tragedies.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized for up to 75 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the Chair a good day.

THE FEDERAL FUELS TAX HOLIDAY OF THE YEAR 2000

Mr. MURKOWSKI. Mr. President, we have started our debate, and later this afternoon we will have a vote on the disposition of the waiver of the gas tax.

Upon arriving on the floor, I had the opportunity to hear the remarks of the Senator from California relative to an issue we have discussed on previous occasions; that is, the export of petroleum, energy products. I think the generalization was that she was concerned with the export from the State of Alaska of some 60,000 barrels a day of oil product.

As I have explained on this floor before, the export of our oil product, which is surplus to the west coast, has been carried on by one company that had that access, British Petroleum. British Petroleum has since acquired the non-Alaska segment of ARCO, which includes a number of refineries. BP did not have refineries on the west coast. I have introduced a letter in the RECORD from BP indicating they will curtail exports of Alaskan oil at the end of this month. I also have a letter from Phillips, which has acquired ARCO Alaska, and it is not their intent to export Alaskan oil.

I hope that addresses and resolves the issue and satisfies the concerns of those who continually bring this up in spite of my explanation.

But I will also submit for the RECORD the list of exports of petroleum products by States of exit for the current month. I note that Alaska is listed on this list at 3.9 million barrels a day; that California, the State of which my friend was speaking, shows exports of 6.2 million barrels a day of energy products; that Texas, for example, has 14 million barrels a day of petroleum, energy products; that Louisiana has 4.4 million.

We are currently exporting about 37 million barrels of energy products. This is a combination of jet fuel, motor gas, crude oil, and so forth. But it simply points out a reality that I think the RECORD should note.

Mr. President, this afternoon the Senate is going to have a chance to vote on whether we can quickly give the American motorists some relief from spiraling gasoline costs. I urge my colleagues to objectively evaluate the responsibility they have in representing the American people on this issue and whether the American people clearly want relief.

The 4.3-cent-per-gallon tax, that was adopted in 1993 after Vice President AL GORE cast the deciding tie-breaking vote, raised the gas tax by 30 percent. It is interesting to go back and look at the issue. I know some of my colleagues will come to the floor because they think it is a mistake to establish a precedent wherein general revenues are used to finance highway construction. Ordinarily I would agree with them, but not in this case.

As the record will show, in 1993, when this was passed, the revenue went to fund the general fund. That is the budget. That is the expenditures of the administration as they see fit. There was a substantial revenue stream that went into the general fund of about $21 billion. That is what was collected in that timeframe between 1993 and 1997, when the Republican majority changed the formula and directed that the 4.3 cent a gallon be put into the highway trust fund. That is a little background to keep in mind, as we address the appropriateness of supporting or rejecting the Federal Fuels Tax Holiday Act, which is before us.

The point I make again is that the administration had the benefit of $21 billion of expenditures from the revenue generated from 1993 until 1997, when the Republican majority changed the funding mechanism and put it in the highway trust fund. I also remind my colleagues that the Vice President broke the tie back in 1993 when the 4.3-cent-a-gallon tax was initiated. I think the Vice President has to bear the responsibility of defending his position on the Gore tax, as it has been fondly referred to by those of us on the Republican side of the aisle.

I find it curious to reflect that not a single penny of that tax was dedicated to highway or bridge construction. All the money was earmarked for the administration's spending.

I think we have an obligation to hear from the American public. What do

they think? This is a Gallup poll, March 30 through April 2. It asked the question: Would you favor or oppose a temporary reduction in the Federal gas tax by 4.3 cents per gallon as a way of dealing with the increased price of oil? Notice, it does not ask about the highway trust fund. It does not ask whether we will reimburse the highway trust fund. It is quite specific: Would you favor or oppose a temporary reduction in the Federal gas tax of 4.3 cents per gallon as a way of dealing with the increased price of oil?

In response to this poll, 74 percent of the respondents favor a temporary reduction; those in opposition, 23 percent. I think this is a fair sample of the attitude of the American public with regard to this issue. Seventy-four percent favor the temporary reduction. I encourage my colleagues, as well as the staffs, observing the debate today, to recognize this. I remind all Members of the Gallup poll, March 30 to April 2, 74 percent of the respondents favor a temporary reduction. I think that is significant and represents, certainly, the attitude of a significant portion of the American public.

I think it is appropriate that we make it clear it is the intention, the commitment of those of us who happen to favor providing the American public with relief that we ensure there is no sacrifice made in the highway trust fund program. In addition, our legislative guarantees that if the failed Clinton-Gore energy policy results in the price of gasoline rising above $2 a gallon—that is for regular—all fuel taxes will be lifted until the end of the year.

Let me make sure everybody understands. We are proposing to waive the 4.3 immediately, suspending it for the balance of this year, with the proviso that the highway trust fund will be totally funded. I emphasize, there is no free lunch. It has to come from the budget surplus. I would like to see it come from savings on wasteful Government spending. But it will provide immediate relief, and it will not jeopardize the highway trust fund.

In addition, the legislation guarantees that if the failed Clinton-Gore energy policy results in the price of gasoline rising above $2 a gallon for the average price of fuel—that is regular self serve—all fuel taxes will be lifted until the end of the year.

Isn't this the kind of a safety net the American consumer needs, like the mom who goes down to fill up the Suburban at $1.80 a gallon? That shoots a pretty good hole in a $100 bill for that 40-gallon gas tank. What about the guy who gets up at 4 o'clock in the morning to drive into Washington, DC, to work as a carpenter. He drives 50 or 60 miles in the morning, the same in the evening. Is he looking for some relief? You bet he is.

This is real relief. It appropriately puts the responsibility back where it belongs—on the administration—to ensure us that their projections stand the test of time.

If you look at their projections, they are pretty weak. The statements by the Secretary of Energy were pretty weak as far as predicting the price. I note that on the CBS ''Early Show'' of March 29, the Secretary indicated, when asked by Jane Clayson about the price:

> . . . gasoline prices will gradually and steadily decline, possibly, according to the Energy Information Administration, my department, as much as 11 cents by the end of September. . . .

What are we going to do on Memorial Day? What are we going to do on the Fourth of July? They are hedging. This administration knows it is in trouble on this issue because it does not have an energy policy and is simply saying, ''Well, it is going to go down a little bit, maybe by the end of September.''

Further questioning by the interviewer Jane Clayson:

> So the bottom line, how much can we expect to see a drop at the pump?

Secretary Richardson replied:

> Well, bottom line—I'm just quoting our investigators and other official people—they are saying 11 cents by the end of the summer, possibly over 15, 16, 17 by the end of this year.

That is their answer, not very encouraging.

Let's get a little more current. If my colleagues have any doubt that prices are not going to come down very much, all they have to do is read today's New York Times. The headline story is: ''Oil Prices Fall Nearly Enough For OPEC''—to do what—''to cut production.''

Imagine that: We are seeing a decline, and they are talking about cutting production.

I quote:

> Less than two weeks after OPEC agreed to increase production to bring down the cost of oil, prices have fallen abruptly and are near the level at which the cartel had agreed it would then cut back its output. Ali Rodriguez, President of the Organization of Petroleum Export Countries, said today that it the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5 million a day agreed to last month would be cut back by one third.

There is the leverage. They are calling the shots. We are not calling the shots.

I find it extraordinary that as this administration looks at the energy crisis, we would simply look to the Mideast for relief by increasing imports.

I ask unanimous consent that the article from the New York Times 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, Apr. 11, 2000]

OIL PRICE FALLS NEARLY ENOUGH FOR OPEC TO CUT PRODUCTION

CARACAS, Venezuela, April 10 (Bloomberg News)—Less than two weeks after OPEC agreed to increase production to bring down the cost of oil, prices have fallen abruptly and are near the level at which the cartel had agreed it would then cut back its output.

Ali Rodriguez, president of the Organization of Petroleum Exporting Countries, said today that if the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5 million barrel-a-day increase that the organization agreed to last month would be cut back by one third. OPEC was expected to announce that the basket price dipped below $22 today, falling from a five-month low of $22.14 on Friday.

The price ''may fall a little further,'' Mr. Rodriguez said in a television interview. ''But OPEC has already established a corrective mechanism, and if prices fall below $22 a barrel for 20 consecutive days we'll immediately cut back production.''

Mr. Rodriguez, who is also the energy minister of Venezuela, said the traditional slump in demand for oil during the spring also could make the cutback likely. The German news agency Deutsche Presse-Agentur reported today that Saudi Arabia, OPEC's largest producer, would endorse the cuts if prices slipped further.

Oil prices have plunged about 30 percent since last month, when they reached nine-year highs. After a meeting March 29 in Vienna of the 11-member organization, 9 OPEC members agreed to raise oil output quotas by about 1.5 million barrels a day and keep prices within a range of $22 to $28.

Crude oil plunged 4.8 percent to a three-month low of $23.85 on the New York Mercantile Exchange today. OPEC's basket has been trading $2 to $3 cheaper than New York oil.

Mr. Rodriguez said he had the authority as OPEC president to order small adjustments before the group's next meeting in June.

''If the price falls I can communicate to each country how much it must cut back,'' he said.

Iran, OPEC's second-largest producer, refused to join the agreement to increase production, saying the move would lead to a price rout. Iraq, another member that does not participate in the cuts, also said new production would hurt prices.

Mr. Rodriguez said he still expected demand for oil to surge this year, perhaps prompting OPEC to approve further increases in output in June or later.

Mr. MURKOWSKI. Mr. President, if OPEC decides to cut back its increased production by one-third, then where are we? We are right back where we were before OPEC made the decision to raise production.

Think about that—full circle.

I spoke before the ocean industries this morning and expressed my concern. The Secretary of Energy, the Honorable Bill Richardson, spoke before me. I don't think he was able to convey much of a feeling of assurance that, indeed, we had this issue of an energy crisis under control.

If OPEC makes the decision to raise production, I think we have to go back and examine the deal the Secretary made with OPEC. That is rather interesting. I think we need to because OPEC never really increased their production by 1.5 or 1.7 million barrels. If you factor in the reality that OPEC was cheating, what really happened on or before March 27 was OPEC's actual increase of production was a bare 500,000 barrels a day. That is what we really got.

The rationale for that is the recognition, if you read the agreement, that they acknowledge they were posting in the cartel a production of 23 million barrels a day. They were cheating and

put out 24.2 million barrels a day. When the administration announced that it was going to get an additional 1.7 million barrels a day, they didn't take into account the reality that they were already cheating by 1.2 million barrels a day. If you subtract 1.2 from 1.7, you get 500,000 barrels a day. That is actually what we got.

In that case, we are right back where we started before OPEC met.

Do not be misled, my colleagues. All of that doesn't go to the United States. There are other customers of OPEC. We traditionally get 16 percent of our crude oil from OPEC. By the time you look at the allotments of the other countries, it is estimated that out of 500,000 barrels, the U.S. gets somewhere in the area of 75,000 to 88,000 barrels.

Furthermore, if you look at what we consume in the general metropolitan area of Washington, DC, and its extensions, it is about 121,000 barrels a day.

We haven't gotten anything. We are almost assured that we will see higher gasoline prices this summer.

For that reason alone, I believe we should give relief now to the American motorists by rolling back the Gore gas tax.

Yesterday, I indicated that 74 percent of the American people think that the 4.3 cents per gallon should be temporarily lifted.

I ask unanimous consent to have printed in the RECORD the Gallup Poll of March 30 to April 3 which indicated that 74 percent favor a temporary reduction of the Federal gas tax of 4.3 cents per gallon as a way of dealing with the increased price of oil, and 23 percent oppose that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Would you favor or oppose a temporary reduction in the federal gas tax by 4.3 cents per gallon as a way of dealing with the increased price of oil?

	Percent
Favor	74
Oppose	23

Source: Gallup, Mar. 30–Apr. 2.

Mr. MURKOWSKI. Mr. President, it is not just the American motorists who want to see gas taxes come down. There are business organizations, especially small businesses, that have been hit hard by the fuel price jump. Their businesses are being devastated.

I have a letter of support from the National Federation of Independent Businesses which represents more than 600,000 small businesses in America. In their letter, they cite the fuel price hike and what it has meant to an average small business.

I quote:

For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase it prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high, these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

The Independent Truckers Association also sent a letter of its support to our legislation.

I ask unanimous consent that be printed in the RECORD along with the letter from the National Federation of Independent Businesses.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NFIB,
Washington, DC, March 29, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR LEADER: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for Senate Bill 2285 which would temporarily repeal the 4.3 cent excise tax on fuel, provide additional tax relief should the cost of fuel continue to rise, and protect funding levels in the Highway Trust Fund. NFIB urges members to support its adoption.

Gas prices have been soaring. According to the U.S. Department of Energy, gas prices, which have increased by as much as 50 percent in the past year, are likely to continue to rise into the summer, if not beyond.

These high fuel prices are hitting many Americans, especially small businesses, extremely hard. For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase in prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

Your bill goes along way towards providing America's small business owners valuable relief from rising fuel costs. We applaud your proactive efforts to reduce this tax burden on small business while at the same time providing a hold harmless provision for the Highway Trust Fund. This will guarantee that full funding will continue to flow to states and local communities for planned infrastructure projects.

Mr. Leader, thank you for your continued support of small businesses. We look forward to working with you to enact S. 2285 into law.

Sincerely,

DAN DANNER,
Sr. Vice President,
Federal Public Policy.

INDEPENDENT TRUCKERS ASSOCIATION,
Half Moon Bay, CA, April 4, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The Independent Truckers Association—the oldest association of the nation's long-haul independent truckers and small fleet owners—endorses wholeheartedly the swift passage of S. 2285, the Federal Fuels Tax Holiday Act of 2000.

This measure would temporarily repeal the 4.3 cents excise tax on fuels and protect funding levels in the highway Trust Fund. We see this as an important first step to help ensure that prices for consumer goods shipped to market will remain stable.

It's important to recognize that truckers—not just the independents and small fleets, but the whole industry—work on a very small profit margin. So, the recent increase of oil prices by OPEC, along with the failed energy policy of the Clinton-Gore Administration, strikes deep into the heart and wallet of America's truckers. Enacting S. 2285 today will help those injured by excessive oil and fuel prices, and help keep the economy rolling along.

Senator Lott, thank you for your support of America's independent truckers. We look forward to working with you to enact S. 2285 into law.

Very Sincerely,

MIKE PARKHURST,
National Chairman.

Mr. MURKOWSKI. Mr. President, I quote from this letter. It says:

It is important to recognize that truckers, not just the independents and small fleets, but the whole industry, work on a very small profit margin. So the recent increase in oil prices by OPEC, along with the failed energy policies of the Clinton/Gore administration, strikes deep in the heart and wallet of American truckers. Enacting Senate bill 2285, the Federal Fuels Tax Holiday Act, today will help those injured by excessive oil and fuel prices and will help keep the economy rolling along.

I also have a letter of support from the National Food Processors Association.

I ask unanimous consent that this letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NFPA,
Washington, DC, April 3, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: On behalf of the National Food Processors Association (NFPA), the nation's largest food trade association, I am writing to urge that Congress take action to address rapidly rising fuel prices. From the food industry's perspective, the effects of higher energy prices are about to move from the gas pump to the grocery store, threatening to put a serious crimp in the incomes of America's working families.

You no doubt have heard from the transportation sector about the serious effect of the 50-plus percent fuel price increase since the first of the year. America's agribusiness industry relies heavily on trucks and the rails to transport food from the farm to processor and on to kitchen tables all across the United States. Additionally, the nation's food processors—an industry employing more than 1.5 million workers in some 20,000 facilities across the country—consume no small measure of energy to make available the tasty and nutritious foods that consumers enjoy. Given the intense competition and very small profit margins, under which most food manufacturers operate, they are in no position to absorb these dramatic increases in energy prices.

I believe the absence of an effective national energy policy is largely responsible for this budding crisis. However, there are tools available now to help address this problem, at least for the short term. First, portions of the Strategic Petroleum Reserve could be released, helping reduce prices by increasing, temporarily, the supply of fuel. Second, I encourage Congress to enact at least a temporary suspension of the most recent 4.3-cent gasoline tax increase, which was adopted in 1993 for the purpose of deficit reduction. NFPA also has urged President Clinton to support such actions.

Leadership by Congress is needed to address this serious issue. I hope that the U.S. Senate will work with the President to take action promptly to ease the strain of rapidly increasing fuel costs.

Sincerely,

JOHN R. CADY.

Mr. MURKOWSKI. Mr. President, many Americans accepted the gas tax

increase because they believed that the money would go to rebuilding and expanding the Nation's highway infrastructure. Today, that is exactly how the money is used. But, again, since the 4.3-cent-per-gallon tax was adopted in 1993, not a single penny of that went into, as I said, building a highway or repairing a bridge. When the tax was adopted, it was not earmarked for the highway trust fund. It was instead collected from the motorists, transferred to the Treasury Department, and then spent for whatever programs the Clinton administration wanted. But those programs did not include added highway construction.

That changed when Republicans took control of Congress and enacted the 1997 highway bill. Only then did these fuel tax revenues become earmarked for highways, bridges, and mass transit.

I know some are concerned legitimately that if we spend these taxes for the remainder of this year, the highway trust fund, which finances roads, bridges, and mass transit, could be in danger. That is a legitimate concern. I am sure it is going to be a concern in the debate that is forthcoming. But I would like to try at least to put those fears to rest.

Our legislation is quite specific. If you do not believe that we can pass a bill that ensures something, then the argument is moot. But this legislation ensures that the highway trust fund will not lose a single penny during tax holiday. We require that all moneys that would have anything to do with the fund had the taxes not been suspended be replaced by other Federal revenues.

That isn't a free lunch. That is going to be difficult to do. But if this legislation passes, that is what is going to happen. We are going to have to find the money. I hope it will come from on-budget surplus. I would rather see it coming from reducing wasteful Federal programs.

Remember. The consumer can't pass it on. He or she can't pass on this increased price to anybody. They are stuck with it. The truckers that came to Washington can't pass it on. If you look at your airline ticket, it is passed on. Nobody can figure out the cost of an airline ticket. If you fly on a Monday or a Tuesday night, it is all different. The fishermen, the farmers—we don't really look at the impact on our economy. The farmer, for example, is dependent on fertilizer. Where does fertilizer come from? It comes from urea. Urea is made out of gas—all petroleum products. We have a multiplier here.

We have the difficulty of recognizing that we have become beholden to the Mideast for the sources.

I can assure the American motorists that highway construction projects this year and next year will be unaffected by the tax holiday that we are proposing in this legislation. When the trust fund is fully restored, all the projects scheduled for beyond 2002 will be completed. That is in the legislation.

The question before the Senate today is simple. Do Senators want to give the American motorists a break at the gas pump when gas prices are high?

Again, I refer to the Gallop Poll. Seventy-four percent of Americans say yes; 25 percent of Americans say no.

I think we should adopt this temporary tax holiday and invoke cloture on the bill.

The rationale is we are giving the American people a choice. We are the elected representatives. Aren't we? What is the priority? Is there a priority to have a choice and a reduction knowing that the highway trust fund is not going to be jeopardized because we are going to have to make it whole?

I would like to show you a couple more things before I conclude.

This is a picture of the hard, stark reality of where we are today and where we are going. Make no mistake about it. It is a very bleak picture. But it is very real because it shows the world oil balance for the year 2000. It shows where we are currently as we enter the second quarter of the year.

We have global demand at 76.8 million barrels a day and global supply at 74. We have the sources of our crude oil, where it comes from in the world, the non-OPEC, Iraqi production, OPEC 10 nations. The point is, in this country today, at the end of the first quarter, we are using reserves. The world is using up its reserves. In other words, the demand is greater than supply, so the world is drawing down about 2 million barrels of its reserve.

The projection in the second quarter is interesting. It shows a surplus of 200,000 barrels. The third quarter again draws down reserves of 1.3 million barrels a day. The fourth quarter is worse—2.7 million barrels a day.

That is the harsh reality. If things are going to get better, we will have to import more from OPEC or other nations such as Iraq.

I conclude with a reminder many people have forgotten relative to the administration's attitude of how we will get relief in this country as we look at various areas of domestic production. One of the most telling is to recognize that currently a significant portion of our activity is coming from the Gulf of Mexico. At the present time, OCS activity is primarily coming off Louisiana, Texas, Mississippi, and Alabama, producing 30 percent of our natural gas and 22 percent our crude oil. That is the OCS. That is in the Gulf of Mexico.

I cannot help but note an article on October 23, 1999, from the Metropolitan edition of the Capitol City Press State Times, Morning Advocate, Baton Rouge, LA. Vice President GORE says he will be more antidrilling than any other President. It is significant because it represents the attitude, I think, of this administration and certainly the Vice President as he seeks the Presidency.

> I will take the most sweeping steps in our history to protect our oceans and coastal waters from offshore oil drilling.
>
> I will make sure that there is no new oil leasing off the coast of California and Florida and then I will go much further, I will do everything in my power to make sure there is no new drilling off these sensitive areas even in areas already leased by previous administrations.

That is the Vice President saying, if elected President, he in effect would cancel leases leased by previous administrations.

It is ironic our Secretary of Energy takes credit for deep-water royalty relief. I worked with Senator Bennett Johnston on that legislation. We got it passed. He takes some credit for it although it didn't pass on his watch. Now the Vice President of the United States wants to undo it. I find that ironic.

The last point of irony is we are looking to receive our oil from Iraq. I have a chart showing our increased dependence and what the oil fields look like. It is germane to this debate. Our fastest growing source of imports is Iraq. Many people forget we had a war over there in 1991. We lost 147 American lives in that conflict. We had over 500,000 troops over there. We were over there to make sure Saddam Hussein did not take over the oil fields of Kuwait. That is the harsh fact. Iraq and Saddam Hussein had visions of going into Kuwait, taking over the oil fields, and moving on to Saudi Arabia. That was a war over oil. We fought that battle.

This chart demonstrates where we are today. I am outraged. Last year, we imported 300,000 barrels a day from Iraq; we are currently importing 700,000 barrels a day. That is where we are.

In addition to the loss of lives and the fact we had nearly 400 wounded and 23 taken prisoner, what has it cost the American taxpayer? The American taxpayer has been hit for over $10 billion in costs in keeping Saddam Hussein fenced in. Imagine that, $10 billion.

How many remember what happened when Saddam Hussein was defeated? That is what happened. Take a good look. It shows the burning oil fields of Kuwait he left behind. The fires are raging, and there are Americans trying to cap the wells and get this environmental disaster under control. That is the kind of person we are dealing with. We are looking to them to bail this country out from the standpoint of increasing our imports? This is the policy of this administration?

One other thing on which I cannot help but comment. I think it is so ironic, this war is still going on. It is not reported in the Washington press. I don't know if the folks back home know it. An article from March 29, Wednesday, the International News Service, says:

> U.S. Jets Bomb Iraqi Defense System.
>
> U.S. warplanes bombed Iraq air-defense system Wednesday in response to Iraqi artillery fired during their patrol.

There is a little more detail in the French newspaper, Agence France Presse, press reports from April 9:

U.S. war planes bombed northern Iraq Sunday after coming under Iraqi fire during routine patrols over the northern no-fly zone, the U.S. military said. The aircraft dropped ''ordnance on elements of the Iraqi integrated air defense system'' after Iraqi air forces fired anti-artillery northwest of Musul and west of Bashiqah, the U.S. European command base in Stuttgart, Germany, said.

Baghdad said on Thursday that 14 Iraqis were killed and 19 wounded when U.S. and British planes bombed the south of the country, in what was described as the deadliest raid since the beginning of the year.

A total of 176 people have been killed in Iraq in US-British bombings since December 1998.

Still not much notice. That is a French translation.

Here is a Russian translation on the Interfax Russian News, April 10:

Moscow Worried Over U.S., Britain Bombing Southern Iraq.

The foreign ministry has voiced concern over U.S. bombings of southern Iraq.

Baghdad made public its data about the victims of the latest raid, 14 people killed and 19 wounded.

How in the world can we justify being at war with Saddam Hussein, increasing our dependence to 700,000 barrels a day, lifting our export ban to give him the technology, which we did 2 weeks ago, to increase his production for his refining capacity even more, and be at war with him?

I don't understand this. I think it is outrageous. We have lost 147 lives in the Persian Gulf war. We are really taking his oil, putting it into our airplanes, and going over and bombing. Think about that.

Is that the kind of policy we have on energy? Do the American people know what has happened? Do they care? It is unbelievable to me, as we address this issue before us. You might say it is a gas tax. It is the whole issue of lack of an energy policy. We do not have an energy policy for coal. The same clean coal technology supported by this administration—we have seen that. We do not have a nuclear policy. The administration will not address the contractual commitment it made in 1998 to take nuclear waste, although the ratepayers paid the administration $15 billion. That is going to be a legal case of $40 billion to $50 billion when the lawyers are through suing each other. They want to take down the hydrodams. The replacement for that, obviously, is going to put more trucks on the highway in Oregon and Washington if they remove the dams, because so much of the traffic in grains and other produce are moved by barge.

Some say gas is the answer, just plug it in. The National Petroleum Council says we are using 21 trillion cubic feet of gas now, and in next 10 years we will be up to 31 trillion. The infrastructure is not there. It is going to take $1.5 trillion to put in that infrastructure. So don't think gas is going to be cheap. And this administration removed 65 percent of the public lands in the overthrust belt, which obviously means there is less area for exploration.

So the crunch is coming. I think this administration hopes they will get out of town before this becomes a big political issue in the campaign. But I think it is going to be a big political issue in the campaign.

I see many of my colleagues wishing to speak. I again encourage everybody to recognize the attitude of the American people as expressed by this Gallup Poll, which says 74 percent favor elimination of the tax—opposed 23. I had printed the letters of the Independent Truckers Association supporting this, and the NFPA as well, the National Food Processors Association, and the National Federation of Independent Business. We are not talking about jeopardizing the highway trust fund; we are talking about making it whole. We are talking about giving the American people a choice, whether this is a priority for them as represented through their elected representatives—which we are—whether they want relief. It gives us a safety net for the public out there; most of all, a safety net to keep this administration's feet to the fire to ensure that gasoline prices for regular do not go over $2 a gallon, because if they do, then the entire 18.4 cents federal gas tax goes off, it is suspended for the remainder of this year.

I think it is a fair trade. I think it is a reasonable compromise. I encourage my colleagues to support the effort and not be misled by the argument that this is going to jeopardize the highway trust fund. It cannot. We have to live by the commitment, if we pass this legislation, to find the money someplace else—out of the surplus, out of reducing wasteful spending, or whatever. That is actually in the legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent that after my colleague, the Senator from Texas, completes her remarks, if I can have 10 minutes for purposes of introduction of legislation?

Mr. WARNER. Mr. President, reserving the right to object—I shall not object—our distinguished colleague from West Virginia is controlling the time on the gas tax. I would like to have 8 minutes in opposition to the gas tax. I know our distinguished colleague from Ohio has been here for some time. He should be accorded precedence over this Senator at least.

I wonder if we could have some order so Senators can be convenienced. Then certainly we can put in this matter. I seek, from our distinguished colleague, how would he suggest we go about this?

The PRESIDING OFFICER. Under the previous order, there is reserved time. Senator MURKOWSKI has approximately 37 minutes remaining and the Democratic side has approximately 35 minutes remaining. To utilize the time under the previously existing unanimous consent agreement, we would——

Mr. WARNER. If I may interject, it is not necessarily the Democratic side because there is strong bipartisan support, am I not correct, I ask Senator BYRD?

Mr. BYRD. The Senator is correct.

The PRESIDING OFFICER. The time under the control of the Democratic side——

Mr. WARNER. It is under the control of Senator BYRD.

The PRESIDING OFFICER. The Senator can yield to anyone he so chooses. Is there objection to the unanimous consent request?

Mr. BYRD. Reserving the right to object to that consent for a moment, Mr. VOINOVICH has been waiting here for quite some time. I believe he should be recognized next. Then, ordinarily, when we have controlled time like this, we might go to this side. If that is the case, I will yield for 8 minutes to the Senator from Virginia.

Mr. WARNER. I thank the Senator.

Mr. MURKOWSKI. I concur with the suggestion by my good friend from West Virginia. I am conducting a hearing on electric deregulation. I am going to turn the remaining time on this side over to my good friend from Texas to yield to those in support of the gas tax holiday.

Mr. WARNER. Mr. President, could we have the Senator from Maine, who has been waiting, and the Senator from Texas, enter the colloquy on timing? Again, they have been here for some time.

Mr. MURKOWSKI. If I may, I assume the proponents and opponents control the time. We have other speakers who are coming to speak in support of the holiday. The Senator from Texas supports the holiday. I do not know the disposition of the other Republican Members.

Ms. COLLINS. Mr. President, reserving the right to object, I had requested time to introduce a bill. I do not, however, want to interrupt the debate on the gas tax. I suggest I go after the Senator from Florida, who I understand is also going to be introducing a bill, so as not to interrupt the debate on the gas tax issue.

Mr. MURKOWSKI. I assume that will mean the 37 minutes, approximately, for each side, would be used. Then the other morning business would come up. Is that the wish of the other side?

Mr. BYRD. Mr. President, why don't we go in accordance with the times the Senators came to the floor and sat down and expected to be recognized? When I first came, Mr. VOINOVICH had been waiting and the Senator from Alaska was speaking. I was the next on the floor. I will be happy to yield 8 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I will be happy if the Senator wishes to proceed and I can follow. Whatever the Senator from West Virginia wishes.

Mr. BYRD. What does the Senator from Texas have to say?

Mrs. HUTCHISON. I ask the Senator from West Virginia, what he is proposing now is for Senator VOINOVICH to go next, and that is under the Senator's time; is that correct?

Mr. BYRD. That is correct.

Mrs. HUTCHISON. Following that, I would be recognized on Senator MURKOWSKI's time. Following that, then

the Senator would have the ability to yield to the Senator from West Virginia, on your time again. And following that, then——

Mr. WARNER. I would like to speak on the gas issue in sequence after the Senator from West Virginia, if I may. We want to stay on the issue, I suggest, because we have a vote. Then we wish to accommodate other Senators.

Mr. MURKOWSKI. If I may, we have other speakers who want to speak on our side on the gas tax issue, so we can follow back and forth.

Mrs. HUTCHISON. If I can get an understanding, then it will be Senator VOINOVICH under Senator BYRD's time, then myself under Senator MURKOWSKI's time, then back to Senator BYRD—and Senator WARNER for however they are going to allocate their time under Senator BYRD's time allotment?

The PRESIDING OFFICER. That is my understanding.

Mr. BYRD. I always like to yield to the ladies. I was brought up the old-fashioned way. But the lady's proposal is going to automatically say she is going to be next after Mr. VOINOVICH. Is that the way she wants it done?

Mrs. HUTCHISON. It was my understanding we would go back and forth, according to the time allotments. Senator VOINOVICH is on the time of the Senator from West Virginia. I thought the sequence would be back to Senator MURKOWSKI's side after that.

If that is not correct, I will be happy to yield whatever time Senator BYRD wants on his side, and then I will control Senator MURKOWSKI's time after Senator VOINOVICH, Senator BYRD, and Senator WARNER. Is that what the Senator from West Virginia is suggesting? It is fine, as long as I know at what point our side will be able to reclaim our time.

Mr. BYRD. Any way is fine. The Senator from Alaska had a lot of time. He spoke a long time. I sat here a long time. I was glad to listen to it. Mr. VOINOVICH was here before I came. He should have his time.

Mrs. HUTCHISON. If the Senator from West Virginia wants to take all three from his side in answer to Senator MURKOWSKI, I will be happy to do that. Then I will take my time after Senator VOINOVICH, Senator BYRD, and Senator WARNER. Is that to what the Senator from West Virginia was referring?

Mr. BYRD. Very well. I thank the Senator.

The PRESIDING OFFICER. The unanimous consent request we have before us came from the Senator from Florida, and he was not mentioned in any of this.

Mr. GRAHAM. If I may modify the request, I am in the category with the Senator from Maine. We have topics we wish to discuss other than the gasoline tax. We appreciate that debate should be completed. We just want to have an order that, after the gasoline tax debate, we may introduce our legislation. We want to be included in the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will somebody restate the unanimous consent request, please, so we have an understanding by everybody? Will the Senator from Texas restate the unanimous consent request?

Mrs. HUTCHISON. Mr. President, I will make an attempt. I ask unanimous consent that Senator BYRD be recognized on his time to allocate, as he sees fit, time to Senator VOINOVICH, himself, and Senator WARNER, after which I will be recognized to take control of Senator MURKOWSKI's 37 minutes, after which the Senator from Florida will be recognized for his introduction of legislation.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I apologize. I did not know the Senator from Maine—I made a huge mistake. I amend my unanimous consent request to suggest that Senator COLLINS follow the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Chair recognizes the Senator from Ohio.

GAS TAX

Mr. VOINOVICH. I thank the Chair. Mr. President, I thank Senator BYRD for yielding time.

I speak against the repeal of the 4.3-cent-a-gallon gas tax for the third time on the floor of the Senate. Although I disagree with my colleague from Alaska in regard to this matter, I do agree this debate has given us an opportunity to identify the real problem of why we have high gas prices in this country, and that is, we lack an energy policy. Our reliance on foreign oil could increase to 65 percent or more by the year 2020.

As a matter of fact, a couple of weeks ago in the Committee on Governmental Affairs, we had a representative from the Energy Department appear before the committee and I asked him: Just how reliant should we be on foreign oil? What is the number? He was unable to give a number.

I mentioned that, as a former Governor, if I had a problem, I would identify what the goal was to solve that problem and put in place strategies to achieve that goal. The fact is, we are here today because we have no energy policy in this country. That is the main issue.

The other issue is whether or not reducing the gas tax by 4.3 cents a gallon is going to make any real difference. I argue it may not bring down the price of gas at the pump. In some States, if the gas tax is reduced, their State laws provide that the state gas tax is increased to make up for the loss of the Federal gas tax. I point out that in terms of the traveling public, the motoring public, getting rid of the 4.3 cent gas tax is only going to save about $43 a year.

This is one of the factors which I think adds to the cynicism of the American public in regard to some of the things we do in the Senate. We argue this is going to make a difference, and then the people realize all we are talking about over a year's period, if they drive 15,000 miles a year, at 15 miles-per-gallon is about $43.

I have been involved in this matter as a Governor and as the former chairman of the National Governors' Association. The Governors were opposed to the 4.3-cent-a-gallon gas tax in 1993 because it was used for deficit reduction and we thought it should be used for building highways.

In 1998, when TEA–21 was negotiated, everyone agreed to put that 4.3 cents a gallon into the highway trust fund so we can use it for new construction of highways and to maintain and repair highways. It also guaranteed to many of the donor States—that is, a State that sends more money to Washington than they get back, like Ohio—that they will get at least 90.5 cents per dollar back every year. It gave us a predictable, reliable source of revenue to get the job done. We thought we had resolved this issue once and for all.

Today we have the issue before us of reducing the gas tax by 4.3 cents a gallon. Someone said: Do not worry about it because we will make up the lost funding from the surplus. I argue, if I have listened carefully to my colleagues on the floor, there are lots of other good things that they want to do with our surplus. If one looks at it from an equity point of view, the tradition in this country is, the people who use the highways pay for them. We are saying reduce their tax and make it up by hitting everybody else in the country and taking it out of the general fund, which can be used for other things that would benefit the rest of America.

I cannot buy the argument: Do not worry about it, we will make it up from the surplus.

I also point out the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, all the major State and local organizations are opposed to repealing the 4.3-cent-a-gallon gas tax.

I do not care what the polls say, the one organization I listen to in Ohio which represents the motoring public is the American Automobile Association. This is the premier organization representing the people who drive in this country.

One would think they would be for reducing the gas tax, wouldn't they? The fact is, they are opposed to it because they know that repair and maintenance of our highways and new construction are important to the motoring public, particularly to their safety. They also realize that this country, in so many areas, has turned into a gigantic parking lot, with gridlock, bottlenecks, and hours wasted in America on

the highways because our infrastructure is in such bad shape. Gasoline is being wasted sitting in these traffic jams, polluting the air, let alone the stress and strain on the drivers and their loss of time.

Today, the only good thing I can say about the fact we are debating this 4.3-cent-a-gallon gas tax reduction is the fact that it is bringing to the American people's attention that we do not have an energy policy.

As I have said over and over on this floor, gas prices are going to come down. They are going to come down because the administration is going to make sure they come down before the November election.

The real question is: Are we just going to treat it as we have in the past? Do my colleagues remember 1973 when we had the crisis and the prices went up? Are we just going to treat this like we treat a barking dog and say: Give it a bone, it'll stop barking and we will go back to doing things the way we've always done in this country? I hope not.

What we should resolve—Republicans and Democrats, Congress and the administration—is to put together a real energy policy for the United States of America before the end of this year so we can bring down our reliance on foreign oil, which is a threat not only to our nation's economy, but it is a threat to our national security.

So I urge my colleagues, please, today, on the cloture vote, please vote against cloture so that we can get on with other business. And part of that ''other business'' should be, let's put together a bipartisan energy policy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield 8 minutes to my distinguished friend, the senior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first thank our distinguished Senator from Ohio. When I was chairman of the Subcommittee on Transportation, he was a Governor. He brought together those Governors. He laid the foundation with the National Governors' Association; indeed, a coalition of highway administrators all over the country. He deserves a great deal of credit for the work he did as we, in this body, worked on the legislation. We could not have done it without the help of those organizations. I am so glad the Senator paid proper respect to their services.

I thank our distinguished senior Senator from West Virginia. I have now been privileged to serve with him here in my 22nd year in the Senate. No matter whether he has been the majority leader or minority leader, as a leader in his party, he has always been there taking the lead, making the tough decisions, and pointing the way.

There is an old French saying about a politician one time saying: Tell me, which way is the crowd going so I can jump in front and lead? The senior Senator knows that quote better than I. That is not our senior Senator from West Virginia. He knows which way to lead and then, indeed, the Senate, most often, and the crowd, know which way to go.

Mr. BYRD. I thank the Senator.

Mr. WARNER. But I say to my colleague, there are two separate issues today. Let us divide them.

First is the energy policy of this administration. Our distinguished colleague from Alaska has addressed that issue. Yes, it is flawed. In the words of the Secretary of Energy, they were caught napping. As a consequence, we are suffering at the gas pump. We are suffering in our economy. We are suffering in many ways for these increased prices.

I have compassion and understanding for those people. I support what Senator MURKOWSKI will bring forth as separate legislation to try to once again restore America's preeminence in its ability to develop energy sources and get the rigs out from under the brier patch of laws and regulations where they once drilled oil and gas in this country but are now rusting in stacks.

The Presiding Officer comes from a State which is known for its energy production. He knows full well of that situation.

I do not like to be in opposition to the distinguished leaders of my party, the Republican Party, but I am strongly in opposition to this question of repealing this gas tax.

I will not go back into the history, but we addressed this in the course of TEA–21. We took the funds, the general revenue, and put them into the highway trust fund. That was a commitment to the American public of those dollars so desperately needed to repair and modernize our transportation system.

I think what underlines this debate is the word ''anger.'' Yes, there is anger at the pump. That is understandable. But there is also anger behind the wheel when Americans, driving their vehicles today—whether it is for work or for pleasure, or for whatever purpose—see this cancer of the transportation system slowly eating away at their lifestyle, devouring the time they need at the job, devouring the time they need with their families, devouring the time they need for what little pleasure life provides today in terms of the burdens and commitments on the American family.

So we have a choice: Anger at the pump; anger with the highways. I believe it is most important that the institution of the Senate show a continuity of commitment to the modernization of our highways, our rails, and other transportation modes to reduce the threat to our lifestyle. That is what it is all about.

If we were to repeal this gas tax—I project that the Senate will not, but if we were to repeal it, what Senator could get up and say, with certainty, that that tax reduction will be passed down to the consumer at the gas pump? I will carefully listen to the speeches. What Senator could make that irrefutable commitment to the American public?

The free enterprise system is fraught with uncertainty. I would be willing to—I am not a betting man—wager, though, that that money would not go into the pockets of the American consumers. That will bring about anger at the gas pump far greater than any that was witnessed thus far.

There is the question of the modernization of this highway transportation system and other modes of transportation. Hundreds of thousands of people are involved, from the Governor of a State, to their highway transportation authorities, to the legislatures of the various States. These people have made commitments, passed laws, adopted budgets on the reliability of the Congress to stand behind what they put into that legislation.

I repeat that. Stability in this program is essential because these modernization programs cannot be done overnight. They cannot either pour concrete or have the designers do their work overnight. There has to be a careful, methodical sequence of the steps. Literally hundreds of thousands of people are involved all over America. They sit and listen, astonished that we are about to take away one of the underpinnings of that program.

Those legislatures, in their next session—most of them have completed their sessions for this year—would say: Wait a minute. Before we commit so many State funds in reliance on what the Federal Government might do, let's wait and see. Is the Congress going to do something else to diminish the flow of funds?

We cannot have instability in the highway modernization program. That is fundamental, absolutely fundamental.

I conclude my remarks and hope the distinguished Senator from West Virginia will address the clause in the bill referred to on page 3, which says:

> Maintenance of trust fund deposits.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 . . . an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received . . .

I just say to my good friend from West Virginia, who has examined this legislation for so many years in this body, I think this is the first of its type. The distinguished Senator, the senior Democrat on the Appropriations Committee, understands the appropriations process. I find that this provision, No. 1, is unique. I don't know of many precedents that I have seen, if any at all. And second, the subject, again, of the uncertainty of taking it with one hand from the highway trust fund, by virtue of the elimination of the tax, then giving it back with the other hand in terms of some commitment, to me,

brings about uncertainty. I question how many Senators can rely on that.

I hope my distinguished colleague might look at that provision based on his many years of experience.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. I see my time is up. I see my colleague on his feet. I wonder if he might address that issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have not prepared remarks in that connection, but I will take a look at that and insert the matter in the RECORD, if I am able to make a contribution.

Mr. WARNER. I thank our distinguished colleague because he has spent these many years in the appropriations process; he has studied all the budget resolutions going back these many years.

I question what the precedent is, and the degree of uncertainty as to this body being able to deliver, and, I might say, the House of Representatives. It would take both bodies; would I not be correct?

Mr. BYRD. The Senator is correct.

Mr. WARNER. I thank the Senator and very much respect and appreciate the leadership he has given. I will work with him on this to the final vote.

Mr. BYRD. I thank my distinguished friend. I thank him for the excellent contribution he has made in this debate. I thank him for his support and cooperation with respect to the amendment we prepared a few days ago, which was voted on favorably by the Senate. I thank him for his leadership on the committee and in the Senate on this subject over the years. We have stood together shoulder to shoulder on previous occasions on this very subject matter, and I am glad to have him standing shoulder to shoulder today.

Mr. WARNER. I thank my colleague.

Mr. BYRD. Mr. President, how much time was taken in the colloquy earlier about who should go first?

The PRESIDING OFFICER. About 10 minutes.

Mr. BYRD. I wonder if we could restore that time, half to the other side and half to this side on the question. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator now has 19 minutes.

Mr. BYRD. I thank the Chair. I also thank Mr. VOINOVICH for the fine statement he made. I thank him for his courage in taking the position he has today. It isn't easy for him, but I thank him for his solid support of the position I take today. I think he is right, as I think I am right.

Mr. President, just 5 days ago, during consideration of this year's Budget Resolution, the Senate, by a vote of 65 yeas to 35 nays, expressed the Senate's opposition to either a temporary or permanent repeal of Federal gasoline taxes. In addition to myself, the original co-sponsors of the amendment were Senators WARNER, BAUCUS, VOINOVICH, LAUTENBERG and BOND. Additional co-sponsors added during the debate were Senators LINCOLN, DOMENICI, BINGAMAN and ROBB. Later today, the Senate will be asked to vote again on essentially the same question, when the cloture vote is taken on S. 2285. That bill would implement a temporary repeal of a portion of the Federal tax on gasoline. To make up for the lost revenues to the Highway Trust Fund that this gas tax repeal would cause, the proponents of this bill advocate the use of revenues from the General Fund of the Treasury. The proponents do not identify a particular source of those revenues. One has to assume that the replenishment of the Highway Trust Fund will either come from the non-Social Security surplus, or from cuts in spending in other areas of the budget, such as education, or if it turns out that there is no non-Social Security surplus, then this bill could cause us to have to return to deficit spending. That would be true, particularly if the Republican tax cut package is enacted, and if the projections of the Congressional Budget Office turn out to be faulty. I, for one, cannot support any proposition such as this, which takes the ''trust'' out of the Highway Trust Fund and could mandate unidentified cuts in other Federal programs. We must not backfill the potholes this bill will leave in funding for adequate maintenance of roads and bridges with money from education, veterans programs or other vital needs.

The proponents of S. 2285 have attempted to downplay the aforementioned vote that was taken on the Budget Resolution against any repeal of Federal gasoline taxes. That amendment to the Budget Resolution, which as I have said, was adopted by a vote of 65 yeas to 35 nays, contained the following language, ''Any effort to reduce the federal gasoline tax or de-link the relationship between highway user fees and highway spending, poses a great danger to the integrity of the Highway Trust Fund, and the ability of the states to invest adequately in our transportation infrastructure.''

Yet, Mr. President, S. 2285 would in fact de-link the relationship between highway user fees and highway spending. In that respect, S. 2285 poses a great danger to the integrity of the Highway Trust Fund, and thereby, threatens to undermine the ability of the States to invest adequately in our nation's transportation infrastructure.

In I Corinthians 14:8, we are told, ''If the trumpet gives an uncertain sound, who will prepare to the battle?'' When it comes to our Federal investment in our Nation's highways, S. 2285 would give a most uncertain sound. This bill would cut revenues to the Highway Trust Fund by repealing a portion of Federal gasoline taxes. Yet, just two years ago, in landmark legislation, the Transportation Equity Act for the 21st Century, TEA–21, our State and local governments were told that we had put the ''trust'' back into the Highway Trust Fund, and that we had established an automatic mechanism to distribute all gasoline taxes to the states for their highway needs. In so doing, we committed ourselves to retaining the ''trust'' in the Highway Trust Fund forevermore. Now we come along and have a different sound coming from those who trumpet S. 2285. They want to cut Federal gasoline taxes and place in jeopardy the funding stream that we promised to the States in TEA–21. In return for these lost revenues, they would have us adopt a new promise, a promise that we will make up those lost gas tax revenues from the General Fund surpluses or from cutting funding for other vital national investments. The very reason that funding ''guarantees'' were included in TEA–21 was to eliminate the uncertainty surrounding our national highway program. We said that all highway user fees—the Federal gasoline taxes which the American people pay every time they go to the gas pump—would automatically go to the States so that our Governors, highway commissioners, and State and local officials would have a predictable funding stream to meet their critical highway funding needs.

The goal of TEA–21 was to reverse decades of disinvestment in our national highway infrastructure. The use of our national highway system continues to grow dramatically. In the 15 years, from 1983 to 1998, according to the Federal Highway Administration, the number of vehicle miles traveled on our Nation's highways, has grown from 1.65 trillion miles per year to over 2.62 trillion miles per year. However, our Nation's investment in highways has not come close to keeping pace with this increased traffic. The percent of vehicle miles traveled has been dropping almost every year since we initiated the interstate highway system during the Eisenhower Administration. They dropped steadily until 1997—the most recent year for which data is available.

What has this disinvestment done to the condition of our nation's roads? It has led to a national network of roadways with inadequate pavement conditions. Less then half the miles of roadway in rural America are considered to be in good or very good condition. Of the road miles in rural America, 56.5 percent are in fair to poor condition. Conditions are even worse in urban America, where 64.6 percent of road miles are considered to be in some level of disrepair, and only 35.4 percent of urban roadways are considered to be in good or very good condition. The situation is no better when we turn our attention to the nation's highway bridges. According to the most recent data from the Federal Highway Administration, 28.8 percent of our nation's bridges are either functionally obsolete

or structurally deficient. In urban America, 32.5 percent of the bridges are either functionally obsolete or structurally deficient. We are talking about a basic issue of safety here. It is an issue that cannot be ignored in the name of short-term, feel-good tax cut proposals.

Total highway spending by all levels of Government currently equals $41.8 billion annually. However, if we wanted to spend a sufficient sum to simply maintain the current inadequate condition of our national highways and bridges, we would need to spend $9 billion more per year, or $50.8 billion. In order to maintain the current average trip time between destinations, we would have to spend $26.1 billion more per year, or a total of $67.9 billion annually on our Nation's highways. Put another way, Mr. President, as a Nation, we would have to increase highway spending by more than 62 percent each year, simply to prevent traffic congestion from getting any worse. Yet, S. 2285 would place even the present levels of highway spending in jeopardy.

Highway congestion is worsening each and every year in cities, as well as rural communities across America. In the last 15 years, use by motorists of our highways on a per lane basis increased by more than 46 percent. This increased use has led to record levels of congestion. That congestion and the time that motorists spend in traffic jams is a continual and ever-growing drag on our national economy. Whether it's commuters stuck in traffic jams going to or from their jobs, or trucks that are delayed in delivering their products to their destinations, the costs to the nation are tremendous, and growing. In 1982, it was estimated that congestion cost our economy $21.6 billion. Between 1982 and 1997, that figure increased over 234 percent to $72.2 billion per year. That is $72 billion in wasted fuel, wasted time, and lost prosperity, not to mention the untold pollution that is caused by daily traffic congestion, particularly in our Nation's largest cities.

It is for these reasons, Mr. President, that I urge my colleagues to again reject this effort to temporarily repeal Federal gasoline taxes. Gasoline prices are too high, even though we have recently seen a decline in prices at the pump. However, there is no assurance whatsoever, that reduced Federal gasoline taxes, if enacted, would result in reduced gasoline prices at the gas pump. I find that proposition highly doubtful. In any case, I believe that the enactment of S. 2285 would cause grave danger both to the integrity to the Highway Trust Fund and to our ability to meet these huge and ever-growing highway needs.

I urge my colleagues to keep the commitments we made in TEA–21 and vote against cloture on S. 2285.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has eight minutes.

Mr. BYRD. I yield that to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise to oppose the Lott bill to repeal the gasoline tax that funds our nation's highway program.

I do so for two reasons. First, the bill would undermine the landmark 1998 highway bill, which is so important to economic development in Montana and throughout the country. Second, the bill will not reduce the price of gas at the pump.

It is, in short, a bad idea. I urge that it be rejected by a strong, bipartisan, vote.

By way of background, the gas tax was established for one simple reason: to finance the construction of the national highway system.

In 1993, there was a departure. The tax was increased, by 4.3 cents a gallon. And, for the first time, the tax was used not for the highway program, but instead for deficit reduction.

I supported the increase, reluctantly, as part of an overall compromise that was a key step toward balancing the budget.

Even so, many of us were determined to restore the principle that the gas tax should only be used to fund our highway and related transportation programs. We worked, as we said, to ''put the trust back in the trust fund.''

It was a long, difficult fight. We faced tough opposition, from the administration, the budget committees, and elsewhere. But, in the end, we prevailed. During the Senate's consideration of the 1998 highway bill, we provided that the entire gas tax, including the 4.3 cents, would go into the trust fund and be used exclusively for highway construction and other transportation needs. When an amendment was offered to repeal the 4.3 cent tax, it was defeated.

Don't get me wrong. Nobody likes taxes. But the tax goes directly to improve the roads. As these things go, the gas tax has worked well.

The Lott amendment would turn back the clock. It would repeal the 4.3 cent tax.

Let me explain what this would mean for our nation's highway program.

It puts $20 billion worth of the highway trust fund in jeopardy.

I'll get right to the point. Most of my colleagues were here for the highway bill debate. You know how difficult it was. You know how hard we fought to make sure that each of our states would get enough funding to support our transportation needs.

For my state of Montana, it would mean losing $184 million.

That, in turn, will mean delays and cancellations. Roads won't be repaired. Interchanges won't be built. Safety improvements will be left on the drawing board.

In Montana, The DOT estimates that upwards of 60 projects would be delayed or canceled. Projects that would increase mobility and save lives.

That's not all. If this bill passes, Mr. President, we will be breaking faith. We will be breaking faith with governors. With state transportation agencies. With contractors. And with thousands of hard-working folks who show up every day, in good weather and bad, to build our roads and improve our communities. Who depend on their jobs to support themselves and their families.

Senator LOTT and others argue that the bill won't affect the highway program, because any reductions in highway funding would, in effect, be covered by transfers from other programs.

In other words, the bill would shift the burden somewhere else. But we all know that there aren't any easy alternatives. There are no easy cuts. So we should not assume that these ''alternative'' cuts will occur. We have to assume that the cuts will come right out of the highway program. And that, again, would be devastating.

To what end? the proponents of the Lott bill say that, if we cut the tax, it will reduce the price of gas at the pump.

Certainly, there is reason to be concerned about the price of gas at the pump. I represent Montana. The Big Sky State. We drive long distances. We're sensitive to the price of gas at the pump, which has risen from $1.18 gallon a year ago to $1.59 a gallon now. We need to get the price down, as soon as we can.

But there is no reason to believe that a reduction in the federal gas tax will result in lower prices at the pump. After all, this is a market ruled by a cartel. Until we break the stranglehold of that cartel, we'll be limited. We can cut the gas tax. But we can't guarantee that the price at the pump will be reduced by the same amount. Instead, the difference may well offset by price increases, by either the OPEC producers or by the refiners, marketers, and other middlemen.

Pulling this all together, the Lott amendment will undermine our highway programs without enhancing our energy independence.

There's one final point.

For the past few years, Congress has been criticized for putting partisan politics ahead of the public interest. In short, of not getting much done.

There have been some notable exceptions. Balancing the budget. Reforming the welfare system.

And, yes, reaching a bipartisan compromise on the 1998 highway bill, TEA–21. The bill did not just reauthorize the highway program. It renewed and revitalized the highway program. We passed it overwhelmingly, by a vote of 88–5. It was a great accomplishment.

We can confirm that accomplishment today, by rejecting the Lott bill.

Mrs. HUTCHISON. Mr. President I yield up to 10 minutes to my colleague from Maine, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS and Mrs. HUTCHISON pertaining to the submission of S. Res. 285 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

ENERGY POLICY

Mrs. HUTCHISON. Mr. President, I have been listening to the debate on the repeal of the 4.3-cent-a-gallon gasoline tax. I think perhaps there is a misunderstanding of what this resolution does. I will reiterate it.

The bill which Senator LOTT has introduced, along with Senator MURKOWSKI and myself, gives a Federal fuels tax holiday that would suspend through the end of this year the 4.3-cent-per-gallon gas tax that was put on about 3 or 4 years ago. If the average gasoline price in our country reaches $2 a gallon, it would suspend for the rest of this year the entire 18.4-cent-per-gallon Federal excise tax on gasoline. The bill specifically holds harmless all of the trust funds. Social Security, and the highway trust funds would not be affected. So we would make up any lost revenue from other sources, not the highway trust fund.

I do not think the highway contractors should be alarmed. The highway contracts are going to go out just as they have been. We are now 2 years ahead in contracting. There will be no suspension of the contracting under the highway trust fund. I think our highways are a first priority, and I do not think the highway contractors should be concerned in any way that that is going to lessen to any degree.

It is very clear what this does. It says to the traveling public, it says to the family trying to take a vacation, it says to the truckers who are depending on a gasoline price that is stable, so they know what that price is going to be, approximately, when they make their contracts to haul goods back and forth in our country, we are going to have a suspension of up to 18 cents a gallon until prices come down to a level that is reasonable and that could have been anticipated when a contract was made. Airline passengers are paying $75 one way on most trips across this country because of this gasoline price increase.

We need to respond to something so basic to so many people, and that is the transportation costs—for people to take a family vacation, to drive to and from work, or for their very livelihoods, if they are truckers. We are going to respond to this crisis.

I have heard people from foreign countries say: I do not know what you Americans are complaining about; we pay $4 a gallon in Europe—in Brussels, in London. That is not the price on which our economy is based. We travel greater distances. We have an economy that is based on gasoline prices in the $1- to $1.40-a-gallon category. That is an important part of the cost of doing business in our country.

Furthermore, we do have the ability to control our own destiny. We do have the ability to drill and explore in our country. Many private businesses, small businesses, want very much to do that. They want to be able to drill a well as small as one producing only 15 barrels a day.

To put that in perspective, a 15-barrel-a-day well is a very small well. The average well in Alaska produces 650 barrels a day. In the Gulf of Mexico, it could be 10,000 barrels a day. We are talking 15 barrels a day. Our small businesses can continue to do business and make a modest profit on a 15-barrel-a-day well, but they have to know the price is going to be somewhat stable. When oil prices went down to $9, $10 a barrel, 2 years ago, these little guys could not make it. These little producers are small businesses, and they could not break even on $9 or $10 a barrel.

What I would like to propose is that we pass the bill before us today to give instant relief to the consumers and business people in our country, but that we look at the longer term issue as well, and that is, what can we do to encourage our small businesses to be able to stay in business, drilling wells that produce 15 barrels a day or less? If they will stay in business, they will produce the same amount we import from OPEC today. That is the important issue. We will not be at the whim of OPEC, to have huge price spikes, if we will encourage our own people to explore and drill even the small wells.

There is another advantage of that, and that is it keeps the jobs in America. Today we are going to foreign countries and producing because it is cheaper to do it over there in OPEC countries or in Mexico or Venezuela. It is cheap to do it there. That does not create American jobs; it creates jobs in foreign countries.

If we pass the bill before us today and say we are going to give relief immediately to the people who are driving to work, the people who depend on a stable price as they drive their trucks carrying goods back and forth across the country, I am saying let's look at the long term, too. Let's look at the stable price that is necessary for them to enter into contracts that will keep them in business. Let's do it by encouraging our small producers to take the risk to go out and drill either a dry hole or one that would produce up to 15 barrels a day, by giving them a tax credit if the price goes below $17 a barrel, so they can stay in business, much as we do for farmers when the prices they can get on the open market do not allow them to break even.

We want the farmers to stay in business so they will be able to continue to provide food for our country and for export. Why not do that for a small producer? If that well produces 16 or more barrels a day, no tax credits, because the margin, then, is much higher and they will be able to break even in the low-price times.

I am saying let's give immediate relief and let's look at the long term, let's do something that will be a win-win for our country, something that will provide more price stability so we will not have the price spikes we are seeing now. We do that by stopping our 56-percent dependence on foreign imports for the fuel we require every day in this country. Let's do it by creating more American jobs for small businesses, and let's keep those jobs in America so we will be more self-sufficient and more in control of our own destiny.

I hope my colleagues will pass the bill that is before us today, give the instant relief, and say we are going to protect the highway fund absolutely, so the contracts can continue to be let and our highways will continue to be built and improved and maintained.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent for up to 10 minutes for purposes of introduction of legislation.

The PRESIDING OFFICER. Is there an objection?

There is 20 minutes remaining on the time of the Senator from Texas. That will be 10 minutes on your time that will run well into the policy luncheon.

Mrs. HUTCHISON. Mr. President, I do not object to the Senator from Florida going forward because the speakers on my side have not arrived. If, after he has finished his 10-minute presentation, we do not have our speakers, then I will yield the remainder of our time. If we do, I will continue to pursue our debate.

The PRESIDING OFFICER. The Presiding Officer is considering objecting because of the policy conference during this period.

Mrs. HUTCHISON. Mr. President, the Senator from Florida has a unanimous consent agreement that would allow him to introduce his bill. Let's go forward, and if there is someone on our side, I will be happy to relieve the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. GRAHAM. In deference to the Presiding Officer, if a situation arises in which he feels my remarks should be terminated or restrained, if he will so indicate, I will be pleased to defer to his wishes.

The PRESIDING OFFICER. The Senator from Florida has been recognized for up to 10 minutes.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2383 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, at this time the other speakers on our side have not arrived. I will yield back

the time, with this reservation: Before the vote on this cloture motion, is there time equally divided for further debate?

The PRESIDING OFFICER. Under a previous order, there are 10 minutes, equally divided, prior to the cloture vote.

Mrs. HUTCHISON. Thank you, Mr. President.

I yield the floor.

RECESS

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the Senate is in recess until the hour of 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

INSTITUTING A FEDERAL FUELS TAX HOLIDAY—Resumed

The PRESIDING OFFICER. There will now be 10 minutes equally divided.

Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. WARNER. Do I understand, the Senator yields herself 5 minutes? Is there not 10 minutes under joint control on the subject of gas taxes?

The PRESIDING OFFICER. Yes. There are 10 minutes equally divided. She has yielded herself 5 minutes.

Mr. WARNER. Off the control of which Senator's time? My understanding is Senator BYRD controls the time for Senators in opposition, of which I am aligned. Senator MURKOWSKI controls the proponents' time.

Am I not correct on that, Mr. President?

Mrs. LINCOLN. As an opponent on the Democratic side.

The PRESIDING OFFICER. The Senator from Arkansas is taking her 5 minutes in opposition.

Mr. WARNER. That would then remove all opposition time; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask the Senator, could I have the benefit of a minute of that time?

Mrs. LINCOLN. Certainly.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 4 minutes.

Mrs. LINCOLN. I thank the Chair.

Mr. President, I spoke briefly last week about this proposal to reduce the gas tax. I spoke on the need for reforms in our Nation's energy policy.

However, because this bill did not go through committee, and because it has had little technical scrutiny, there are just two points that I believe should be considered before we move ahead with this idea.

First, I appreciate the concern that has recently been shown for the highway trust fund. There is a nice clause in this bill that would take money out of general revenues to pay for the reduction into the highway trust fund.

Last week I called this hocus pocus. It is creative, to say the least. But let's get honest here. This tax cut has to come from somewhere, and this method of accounting is not without consequence.

Regardless of the good intentions being professed by my colleagues, the transfer of this burden to general revenues would result in a tax increase to the people of my State and perhaps other States.

In Arkansas, any reduction, either whole or in part, of the existing excise tax on motor fuels will result in a penny-for-penny increase in tax at the State level. This is the law in my State, and I know that there are similar provisions in Tennessee, Oklahoma, Nevada, and California.

Mr. President, I ask unanimous consent that a copy of section 27–70–104 of the Arkansas Code be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

§ 27–70–104. Federal excise tax on motor fuels

(a) Should the Congress of the United States extend an option to the State of Arkansas to collect all or part of the existing tax on motor fuels imposed by the Internal Revenue Code, Chapter 31, Retailers Excise Tax, §§ 4041 and 4081, it is declared that the option is executed.

(b) Further, if the federal excise tax is reduced in any amount, the amount of the reduction will continue to be collected as state highway user revenues.

(c) Any increase in the federal excise tax, accompanied by state option, shall be disbursed as set forth in subsection (d) of this section.

(d) Any revenues derived under subsection (a) of this section will be classified as special revenues and shall be deposited in the State Treasury to the credit of the State Apportionment Fund for distribution under the Arkansas Highway Revenue Distribution Law, there to be used for the construction of state highways, county roads, and municipal streets.

History: Acts 1975, No. 610, §§ 1, 2; 1981, No. 719, § 1; A.S.A. 1947, §§ 76–337, 76–338.

Mrs. LINCOLN. I agree that this bill might give a minor tax reduction for the oil producers of 45 States, but the tax burden would remain level in as many as five States. Without a reduction in spending, this amounts to a tax increase in my home State and two of my neighboring States, Oklahoma, and Tennessee. In short, if this bill were to pass, taxes, in effect, would go up in Arkansas.

My second point is that this bill would not get relief to the people who need it. I said last week that this tax is collected on the wholesale level and all that this bill offers is a suggestion that the wholesalers pass this on to the consumers. I am not sure that this point is getting out to my colleagues, so I have a quote here from the Supreme Court of the United States concerning this tax.

According to the U.S. Supreme Court in Gurley vs. Rhoden:

> the Federal excise tax on gasoline is imposed solely upon statutory producers, and not on consuming buyers.

Let me repeat that:

> the Federal excise tax on gasoline is imposed solely upon statutory producers, and not on consuming buyers.

Therefore, I assert that even the Supreme Court agrees that this tax reduction will not go to consumers. This tax cut will go exclusively to oil producers who will have no legal requirement to pass the cut on. That won't help truckers in my State. It won't help farmers in my State. It won't help small business people in my State. It won't help average consumers.

We cannot forget that despite the fact that the administration has successfully compelled OPEC to pump more oil, and that oil prices are coming down, the high cost of the oil price spike will still be on the bottom line at the end of the year.

We have to do something real and substantial for our truckers, our farmers, and our fuel dependent small businessmen and women.

A 4.3-cent gas tax cut will do essentially nothing for anyone.

I again suggest that a suspension of the heavy vehicle use tax would be a way to get real relief to real truck drivers. This would not drain the highway trust fund to the degree that this gas tax cut would and it would directly help the people who have been hurt the most by the spike in fuel prices.

I have also advocated a short-term no-interest loan program for diesel dependent small business, and lastly I have called for a formalized end-of-the-year tax credit, that would take into account the totality of this oil spike in an environment of dropping prices.

We all want to help those in need and we should consider giving tax credits, but we should also protect the Treasury from windfalls that could arise in this economic environment.

This bill is a bad idea, it would in effect raise the tax burden on my constituents, and it would not help the people who are really hurting from the high prices at the gas pump.

I urge my colleagues, especially those from Oklahoma and Nevada, California and Tennessee, to look at how this bill will affect the tax burden in your States. Ask how this bill will affect the bonds that your State has issued. And most importantly, consider how little this bill will do to help the consumers of our Nation. We can do better, and I hope we can continue the debate on this bill so we will have that opportunity.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. MURKOWSKI. Mr. President, I yield myself 3½ minutes.

In this legislation, there is full recovery to the highway trust fund, if indeed

this suspension takes place. There is a balance in it, too. That balance puts the onus on the administration to encourage that the price remain low because if it doesn't and the price goes to $2 a gallon, clearly what will happen is we will eliminate this tax, which is 18.4 cents.

The question has been asked, How do we ensure that it is passed on to the consumer? That is a legitimate question. We provide in the legislation a requirement that the GAO audit and make an issue of anyone who breaks the trust that this differential has to be passed on to the consumer. We have the support of the National Food Processors Association, a letter to that effect, and support from the National Foundation of Independent Businesses and the Independent Truckers Association.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FOOD PROCESSORS ASSOCIATION,
Washington, DC, April 3, 2000.

Hon. TRENT LOTT,
Majority Leader, United States Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: On behalf of the National Food Processors Association (NFPA), the nation's largest food trade association, I am writing to urge that Congress take action to address rapidly rising fuel prices. From the food industry's perspective, the effects of higher energy prices are about to move from the gas pump to the grocery store, threatening to put a serious crimp in the incomes of America's working families.

You no doubt have heard from the transportation sector about the serious effect of the 50-plus percent fuel price increase since the first of the year. America's agribusiness industry relies heavily on trucks and the rails to transport food from the farm to processor and on to kitchen tables all across the United States. Additionally, the nation's food processors—an industry employing more than 1.5 million workers in some 20,000 facilities across the country—consume no small measure of energy to make available the tasty and nutritious foods that consumers enjoy. Given the intense competition and very small profit margins, under which most food manufacturers operate, they are in no position to absorb these dramatic increases in energy prices.

I believe the absence of an effective national energy policy is largely responsible for this budding crisis. However, there are tools available now to help address this problem, at least for the short term. First, portions of the Strategic Petroleum Reserve could be released, helping reduce prices by increasing, temporarily, the supply of fuel. Second, I encourage Congress to enact at least a temporary suspension of the most recent 4.3-cent gasoline tax increase, which was adopted in 1993 for the purpose of deficit reduction. NFPA also has urged President Clinton to support such actions.

Leadership by Congress is needed to address this serious issue. I hope that the U.S. Senate will work with the President to take action promptly to ease the strain of rapidly increasing fuel costs.

Sincerely,

JOHN R. CADY.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, March 29, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR LEADER: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for Senate Bill 2285 which would temporarily repeal the 4.3 cent excise tax on fuel, provide additional tax relief should the cost of fuel continue to rise, and protect funding levels in the Highway Trust Fund. NFIB urges members to support its adoption.

Gas prices have been soaring. According to the U.S. Department of Energy, gas prices, which have increased by as much as 50 percent in the past year, are likely to continue to rise into the summer, if not beyond.

These high fuel prices are hitting many Americans, especially small businesses, extremely hard. For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase in prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high, these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

Your bill goes a long way towards providing America's small business owners valuable relief from rising fuel costs. We applaud your proactive efforts to reduce this tax burden on small business while at the same time providing a hold harmless provision for the Highway Trust Fund. This will guarantee that full funding will continue to flow to states and local communities for planned infrastructure projects.

Mr. Leader, thank you for your continued support of small businesses. We look forward to working with you to enact S. 2285 into law.

Sincerely,

DAN DANNER,
Sr. Vice President,
Federal Public Policy.

INDEPENDENT TRUCKERS ASSOCIATION,
Half Moon Bay, CA, April 4, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The Independent Truckers Association—the oldest association of the nation's long-haul independent truckers and small fleet owners—endorses wholeheartedly the swift passage of S. 2285, the Federal Fuel Tax Holiday Act of 2000.

This measure would temporarily repeal the 4.3 cents excise tax on fuels and protect funding levels in the Highway Trust Fund. We see this as an important first step to help ensure that prices for consumer goods shipped to market will remain stable.

It's important to recognize that truckers—not just the independents and small fleets, but the whole industry—work on a very small profit margin. So, the recent increase of oil prices by OPEC, along with the failed energy policy of the Clinton-Gore Administration, strikes deep into the heart and wallet of America's truckers. Enacting S. 2285 today will help those injured by excessive oil and fuel prices, and help keep the economy rolling along.

Senator Lott, thank you for your support of American's independent truckers. We look forward to working with you to enact S. 2285 into law.

Very Sincerely,

MIKE PARKHURST,
National Chairman.

Mr. MURKOWSKI. Some say this isn't much of a cut. Tell that to the working man or woman who gets up at 4:30 and drives 75 miles one way to work in this city in his pickup because the Government won't let him work at home in the coal mines, or building roads, forests, because they don't support resource development. It might not mean much to the folks who can afford it, but it means a lot to the folks at home.

As a consequence, ask the public what they think. It is in a Gallup Poll: 74 percent favor a temporary reduction of the 4.3-cent gas tax.

This is a balanced piece of legislation. It is balanced because it would take off the Gore tax. This tax was put on as a consequence of Vice President AL GORE breaking the tie in this body back in 1993. That didn't go into the highway trust fund. That went into the Clinton general fund, and the Clinton administration spent that money as they saw fit. It was the Republican majority in 1998 that turned it around and put it into the highway trust fund. The Clinton administration has enjoyed $21 billion, a windfall they expended out of the general fund for their programs.

As Senators look behind the scenes on this one, be careful because reality dictates that this is good for the consumer. The consumers of this Nation want it. Seventy-four percent favor the temporary reduction of the 4.3-cent-a-gallon gas tax.

If there is anyone who has been misled by this administration and their opinion of what is going to happen, they should have read the New York Times today. The president of OPEC said today that if the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5-million-barrel-a-day increase the organization agreed to last month would be cut back by one-third.

OPEC is saying: If the price goes down below $22 a barrel, we will cut our production. We are nowhere near home on this by any means. We have been sold a bill of goods. Give the taxpayer a break.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the 20-plus years I have been privileged to serve in the Senate, this is a day I will long remember. It is the first time I ever voted against a tax decrease in over two decades.

I see no certainty to this program. The Senator says 74 percent favor a temporary reduction. Why isn't it 100 percent? I know very few people who want to increase taxes. And with all due respect to my friend, the GAO monitoring 100,000 gas stations across America to see whether or not it came down 4.3 cents? That I just cannot accept.

Mr. MURKOWSKI. If that is a question, I would be happy to respond.

Mr. WARNER. On your time, you are welcome to do it.

Mr. President, in all seriousness, the Senate really was a leader in passing

the landmark legislation to modernize America's transportation system. This gas tax was included in that highway fund by 80-plus Senators. It is a foundation block for this program. Let us not bring uncertainty to the modernization of America's transportation system by beginning to pull a block here and a block there.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the motion to proceed to invoke cloture on S. 2285, the Federal Fuels Tax Holiday Act of 2000, a bill introduced by Senator LOTT, which I have been pleased to cosponsor.

This legislation will repeal, until the end of this year, the 4.3 cent-per-gallon increase to the federal excise tax on gasoline, diesel, kerosene, and aviation fuel added by the Clinton Administration in 1993.

At the same time, both the Highway Trust Fund and the Airport and Airways Trust Fund are held completely harmless. It is a bogus argument that the Trust Funds will be impacted by giving consumers a tax break at the gas pump. The progress of important highway and airport projects will not be affected because the impact would be zero. This legislation allows for reimbursement of the Trust Funds that are financed by the gasoline and aviation fuel taxes. For both of these funds, any lost revenues to be replaced from the budget surplus.

Also, our legislation is set up so that should the national average for regular unleaded gasoline prices breach the $2 mark, it would also repeal, until the end of the year, the 18.3 cent-per-gallon federal gasoline tax; the 24.3 cent-per-gallon excise tax on highway diesel fuel and kerosene; the 4.3 cents per-gallon railroad diesel fuel; the 24.3 cent-per-gallon excise tax on inland waterway fuel; the 19.3 cent-per-gallon for noncommercial aviation gasoline; the 21.8 cent-per-gallon for noncommercial jet fuel; and 4.3 cents-per-gallon for commercial aviation fuel.

This will provide the nation with a vital ''circuit breaker'' in the midst of the very real possibility of high fuel costs as America takes to the road this summer—and the legislation ensures that any savings will truly be passed on to consumers and not pocketed before customers can benefit from any savings at the pump.

Some of my colleagues say that repealing the 4.3 cent per gallon gas tax will not amount to enough savings for the consumers to even care about. Well, I guess people in Maine think differently, especially after a winter of paying the highest prices in decades for both home heating oil and for fuel at the pump.

This past week, the Maine legislature, both the Senate by a vote of 26–9, and the House, by a vote of 94–54, endorsed a bill that allows for rebates to truckers for the state diesel fuel taxes they paid between February 1 and March 15 when diesel fuel prices skyrocketed to over $2.00 per gallon. While the funding decision now rests with the appropriators, the Maine legislature has spoken clearly that they know it makes a difference, especially where the trucking industry is concerned.

I am aware of a trucking company in Maine that has lost at least $200,000 in the last three months because of the failed energy policy of this Administration that caused diesel prices to spike. How can an owner buy equipment, hire people, keep his trucks rolling, and function within a set budget for the year with losses such as these? Tell him that temporary repeal of the federal 4.3 cent tax on diesel fuel won't make a difference. Well, let's run the numbers.

This company has a fleet of about 50 trucks that take 200 gallons of diesel every time you fill them up, and since these large rigs get no more than five miles to the gallon, they get filled up quite regularly. So, if we temporarily repeal even just the 4.3 cent federal gas tax, every time the fleet of trucks gets filled up, the company will be able to save at least $430, adding up to thousands of dollars a month. No wonder hundreds of truckers drove their rigs to Washington, D.C. to protest on two different occasions in the past month. Tell them that a temporary repeal of 4.3 cents per gallon diesel fuel tax won't make a difference.

Look to your own states—California, Connecticut, Florida, Illinois, New York, Wisconsin—all around the country state legislatures are considering their own responses to the rise in all fuel prices.

In California, there is a proposal for a four-month suspension of the 15 cent per gallon state tax. In Connecticut, the Legislature's Finance Committee unanimously approved a seven cent per gallon state gasoline tax over a three-year period. In New York, both parties have called for some sort of state gas tax relief. In Illinois, the State Senate has approved an elimination of the five percent sales tax on gasoline and diesel fuel. Lawmakers in Wisconsin have proposed both repealing or temporarily suspending the state gas tax.

In Florida, the Republican House Speaker has proposed a 10 cents per gallon tax cut, saying, ''If the federal government is not going to help the people of Florida, then we need to''.

What this legislation before you today does is take a concrete step toward more reasonable fuel prices for everyone, helping to serve as a buffer for consumers and businesses who are already reeling from the high cost of gasoline and other fuels. Of course, I hope the provisions for temporary repeal of the full tax will not be necessary. But if they are, they will provide immediate relief to taxpayers and ensure that, if prices are skyrocketing, any savings in fuel costs will be passed on to the purchasers of the gasoline products.

The retail price we pay for refined petroleum products for gasoline, diesel fuel, and home heating oil, for instance, substantially depends upon the cost of crude oil to refiners. We have seen a barrel of crude oil climb to over $34.00 recently from a price of $10.50 in February of 1999. That is a 145 percent increase.

While OPEC agreed last month to only very modest increases in crude oil production, White House officials say that the cost of gasoline at the pump will now decline in the coming months, even though their own Economic Advisor Gene Sperling was quoted in the Washington Post on March 29, as warning that ''there is still significant and inherent uncertainty in the oil market, particularly with such low inventories, and we will continue to monitor the situation very closely''.

While the Administration has ''monitored'' the situation, crude oil prices have gone up and up, and our inventories have gone down and down. As a matter of fact, the Administration admits that it was ''caught napping'' after OPEC decided to decrease production in March of 1999—and while they napped through a long winter's sleep, prices for crude climbed as temperatures and inventories plummeted.

The effect on gasoline, diesel and home heating oil was predictable, and in fact was predicted. Last October—a half a year ago—the Department of Energy, in its 1999–2000 Winter Fuels Outlook, projected a 44 percent increase in home heating oil bills. In a severe winter, the agency estimated, an additional 28 percent increase in costs could be felt for residential customers.

In other words, the Department of Energy itself predicted an increase of over 70 percent, but did nothing. In actuality, home heating oil costs jumped from a fairly consistent national of 86 cents per gallon in the winter of 1998–99 to as high as $2.08 per gallon in Maine early last month—an increase of well over 100 percent. In that same time frame, conventional gasoline prices rose 70 percent or higher.

So now the Administration tells us that gasoline prices will most likely go down by this summer because of the small production increases agreed to by OPEC. Even with an increase in OPEC quotas, there will still be a shortfall in meeting worldwide demand for crude oil. Approximately 76.3 million barrels per day are needed to meet demand, but the anticipated new OPEC production is estimated to be only 75.3 million barrels per day. So you'll have to excuse me if I'm a little hesitant accepting estimates from an Administration that seems to make predictions while their gauge is on empty.

The Administration's projections of an average of $1.46 per gallon for gasoline this summer—which is still 25 percent higher than last summer I might add—does not presume production disruptions at the refinery. I would like to point out that one of the reasons prices went up and supply ran dangerously low a few months ago was the unexpected shutdown of four different refineries that serve the Northeast.

Just last week, DOE's Energy Information Administration stated that, ''. . . motor gasoline markets are projected to exhibit an extraordinarily tight supply/demand balance.'' Against this backdrop, we cannot depend upon the Administration's predictions turning into fact, when they have so far been so incorrect.

Now is the time for Congress to act, even if the Administration refuses to. I want to at least make sure that American businesspeople and consumers have in their pockets what they would have otherwise paid in fuel taxes if the Administration is underestimating prices once again and gasoline hits $2.00 a gallon.

Beyond the pump, consumers are getting hit with extra costs directly attributable to high fuel costs. If you've paid to send an overnight package lately, you probably noted that you were charged a surcharge—a fuel fee—because their cost of diesel fuel has increased by about 60 percent over the past year. And with a 150 percent increase in jet fuel, that airline ticket you buy today will probably include something you've never seen before—a fuel charge of $20.00. How long will it be before costs of other products will also be passed on the consumer?

Consider the impacts to the nations' farmers. In some locations, the planting season has begun. The New York Times reported two weeks ago that a farmer paying 40 cents a gallon more this year to fuel his diesel tractors and combines, will be adding as much as $240 a day to his harvesting costs. In my home State of Maine, we are at the peak season for moving last year's potato crop out of storage and to the large Eastern markets. But the industry still can't get truckers to come into the State to move the potatoes because they are discouraged by the particularly higher price of diesel in Maine.

The only help the potato industry has had recently in getting their product to market was certainly not due to the energy policy of this Administration, but to local truckers who turned to hauling potatoes because wet weather kept them away from taking timber out of the Maine woods.

Soon, we will enter the summer months, when tourism is particularly important to the economy of New England and to Maine in particular. With the high price of gasoline, we need relief now, and that's what this bill provides. As a matter of fact, we could have used the relief in Northern Maine a few months ago—that's a big tourist season for them as snowmobilers from all over the East head to Maine to use the hundreds of miles of trails throughout the northern part of the State.

The choices are clear—do nothing for the taxpayers who are being gouged by failed energy policies, or do something by supporting legislation that gives some relief at the gas pump right now. We should temporarily repeal the 4.3 cent per gallon gas tax and support a bill that also acts as a circuit breaker, giving citizens a break at the gas pump if gas goes over $2.00 a gallon while protecting the Trust Funds that build our highways and airports. I urge my colleagues to support this bill by voting for cloture.

Mrs. FEINSTEIN. Mr. President, I am as upset by the gasoline price spikes as anyone else. Price spikes have been worse in California than in any other State. Today, as I speak, though prices have recently started to come down a bit, they still average more than $2 per gallon in some parts of California.

Having said that, I feel obliged to oppose S. 2285, despite understanding the sentiment behind it. The problem with S. 2285 is that there is no way to guarantee that a reduction in the federal gasoline tax will be passed on to consumers. Why is this? Because price is a function of supply and demand, not taxes. And right now, world oil markets are extremely tight, so prices are high.

The way to relieve the pressure on the market is to boost supply and reduce demand.

With regard to supply, fourteen nations sell oil to the U.S. under a cartel known as the Organization of Petroleum Exporting Countries, OPEC. Like any monopoly, OPEC controls the price of oil by limiting supply. Decreased production in non-OPEC countries like Venezuela, Mexico, and Norway has also contributed to the squeeze.

Since OPEC is not bound by U.S. law, there are only a few things the U.S. can do to encourage the cartel to increase supply. The preferred alternative is diplomacy. Energy Secretary Bill Richardson has had some success on this front. OPEC ministers announced last month that the cartel would immediately increase supply by 1.7 million barrels a day. Mexico has also agreed to increase production by a small amount.

It takes several weeks for production increases to be felt at the pump, in lower prices. And California has unique problems affecting its supply. No other State requires the kind of reformulated gasoline that California does. So the gasoline has to be refined in California. And California refiners have had problems—including two fires—operating their plants at full capacity. They are at full capacity now.

Notwithstanding these problems, the announcement of OPEC production increases has driven spot gasoline prices down. They have dropped more than 40 cents, for instance, in the greater Los Angeles area.

The spot price is the price of gasoline on the open market without taxes and other markups figured in. Spot prices are usually good harbingers of the price movement we will eventually see at the pump about a month or two later.

But the increase in OPEC production is, at best, a short-term solution. By the middle of summer when demand for gasoline will peak, we may be back in the same predicament.

As I said a moment ago, S. 2285 doesn't solve the problem of high gasoline prices. Under California law, if the federal gasoline tax drops by 9 cents per gallon or more, then the State tax automatically rises to off-set the federal decrease. The law is designed to protect the Highway Trust Fund. I have spoken with members of the California legislature about this. They do not seem inclined to change the law.

Even if the law were changed, the price still wouldn't drop. At least that's what the chief executive officers of the three major California refiners told me. Collectively, they produce 70 percent of California's gasoline. None could guarantee that prices would drop at the pump. They cited the fundamental problem with supply, and also pointed out that they have no control over other entities in the supply chain.

What are our options?

The fact is, we have limited control over supply. Too much of the world's oil is produced elsewhere. The one thing we can control is demand.

The best way to reduce demand is to require that sports utility vehicles (SUVs) and light duty trucks get the same fuel efficiency that passenger vehicles do. If SUVs and light duty trucks had the same fuel efficiency standards as passenger cars, the U.S. would use one million fewer barrels of oil each day.

This is roughly equal to the U.S. shortfall before OPEC increased production.

The Department of Transportation is responsible for setting fuel efficiency requirements under the Corporate Average Fuel Economy (CAFÉ) program. Abut two-thirds of all petroleum used goes to transportation, so boosting fuel efficiency is an important way to wean ourselves off OPEC oil and reduce the price motorists pay for gasoline. Consider, too, the significant environmental and health benefits of higher fuel efficiency.

But CAFE standards have not increased since the mid- 1980s. And the situation is made worse by a loophole in the CAFÉ regulations. SUVs and light duty trucks—which are as much passenger vehicles as station wagons and sedans—are only required to average 20.7 miles per gallon per fleet versus 27.5 miles per gallon for automobiles.

Since half of all new vehicles sold in this country are fuel-thirsty SUVs and light duty trucks, this stranglehold on energy efficiency has produced an American fleet with the worst fuel efficiency since 1980. We are going backwards!

According to the non-partisan American Council for an Energy Efficient Economy, the U.S. saves 3 million barrels of oil a day because of CAFÉ standards. Close the SUV loophole, as I said a moment ago, and save another million barrels each day.

Overall, SUV and light duty truck owners spend an extra $25 billion a year

at the pump because of the ''SUV loophole.'' Making SUVs and light duty trucks get better gas mileage would save their owners some $640 at the pump each year when the price of gasoline averages $2 per gallon.

The ''bottom line'' is that eliminating some or all of the federal gasoline tax won't lower prices at the pump. The best way to do that is to reduce our demand. The best way to reduce demand is to increase the gas mileage requirements for SUVs and light duty trucks.

Mr. GRAMS. Mr. President, like many of my colleagues, I've come to the Senate floor on a number of occasions in recent weeks to express my concern with rising fuel costs and the lack of an energy policy by this Administration. I don't have to remind my colleagues how the rising cost of oil threatens almost every aspect of our economy and communities. Senior citizens on fixed incomes cannot absorb extreme fluctuations in their energy costs. Business travelers and airlines cannot afford dramatic increases in airline fuel costs. Families struggling to feed and educate their children cannot withstand higher heating bills, increasing gasoline costs, or the domino effect this crisis has on the costs of goods and services. To be sure, this problem is impacting virtually every facet of American life and may only get worse as we approach the high energy demand of the summer months.

I look at the situation we're now facing with high oil prices and limited supply and have a hard time understanding why it's such a surprise to so many people. I've heard Secretary Richardson refer to the fact that the Energy Department may have been caught ''napping on the job.'' Since coming to Congress in 1993, I've been saying the Energy Department is asleep at the wheel. We have an Energy Department that spends less than 15% of its budget, and even less of its time, on the core energy issues within the Department. I dare say that energy consumers are the last thing they think about over on Independence Avenue—certainly not the first.

With all due respect to Secretary Richardson, I don't think he was necessarily caught napping on the job, but flat out neglecting the energy needs of this country. Under the tenure of the last three Secretaries of Energy, this Administration has done nothing but weaken our energy security, increase our reliance on foreign oil, shut down domestic oil and gas production, and ensure the closure or removal of many of our primary means of electricity generation—coal, nuclear, and hydropower. I think it's time that policymakers in Washington come to the realization that we are now a nation with no energy policy and no ability to respond to even the most limited energy supply disruptions.

Consider the recent effort of the Administration to address the oil price crisis. We've all witnessed this Administration's ''tin-can diplomacy'' over the past few weeks. Instead of planning for the energy needs of our country, this Administration waits for a crisis and then responds by sending its appointees to grovel, plead, or otherwise beg other nations into helping us out. The United States, thanks to this Administration, is a nation running around the world looking for a handout from friend and foe alike.

It's embarrassing that the economy of our nation hinged on the decision of a few oil ministers sitting in a room in Vienna just a couple of weeks ago. Do we realize that Iran was blocking an OPEC increase of 1.7 million barrels of oil a day? The strength of our economy now may rest on the ability of OPEC oil ministers to convince countries like Iran to help us out in the future. That is quite a statement on the viability of the Clinton Administration energy policy.

But still, this Administration maintains its steadfast opposition to doing anything here in the United States to dramatically decrease our reliance on foreign oil and increase our domestic exploration and production. ANWR is off-limits. They don't want to discuss off-shore drilling. They claim they're open to looking at some activity on public lands, but at the same time they're on a blitz to lock up every last acre of land they can find into some type of new, restrictive designation before President Clinton and Secretary Babbitt leave office.

Well, the farmers of Minnesota can't wait for President Clinton or Secretaries Babbitt or Richardson to leave office before our country places a renewed emphasis on a sound, long-term energy policy. Truckers across America cannot wait for President Clinton to leave office to get some relief at the fuel pump. And energy consumers far and wide cannot stand by while this Administration begs countries like Iran and Libya to ''feel our pain.''

Regrettably, I fear the oil supply and price crisis we're now experiencing is only an early warning of the pain the Clinton Administration's neglect of energy policy is going to level on American energy consumers. It won't be that far into the future before this Administration's appetite for closing down nuclear and coal-fired power plants and destroying hyrdopower facilities will bring similar price increases for electricity consumers.

Many of us have suggested that we need to look closely at both short- and long-term approaches to easing the pain of the current oil crisis on American energy consumers and reducing our nation's reliance on foreign oil. I've spoken at length about how we need to focus our efforts on developing a long-term energy policy that puts American jobs and productivity first, instead of last. Doing so, however, will take time and produce few immediate results to help consumers in the coming months.

In the short-term, I believe Congress must consider temporarily suspending some or all of the federal fuel taxes, which, along with state excise taxes, account for an average of 40 cents per gallon of gasoline. That is why I've joined Majority Leader TRENT LOTT, Senator LARRY CRAIG and a number of my colleagues in offering S. 2285—The Federal Fuels Tax Holiday Act of 2000. Our legislation would temporarily suspend the 4.3 cent tax on gasoline, diesel fuel, and aviation fuel while protecting both the Highway Trust Fund and the Social Security surplus. The bill will suspend the 4.3 cent tax starting on April 16 through January 1, 2001. For farmers, truckers, airlines, and other large energy consumers, this action will have an even greater positive impact on the large amounts of fuel they consume.

This legislation reflects the leadership of a number of our colleagues. Senator BEN NIGHTHORSE CAMPBELL from Colorado has championed legislation to suspend the diesel fuel tax. Once a trucker himself, Senator CAMPBELL has led the way in assisting truckers and their families who are suffering as a result of the rising price of diesel fuel. And Senator MURKOWSKI, as Chairman of the Senate Energy Committee, has been a leader in calling attention to the growing energy needs of our nation and the Administration's energy policy failures.

I want to add that I'm very aware that many of my colleagues have argued that 4.3 cents a gallon has a negligible impact on consumers. To them, I say look at the amount of fuel a farmer or trucker consumes during an average week. Look at the diesel fuel required to operate a family farm or deliver products across this country. Or look at the tight profit margins that can make the difference between going to work and being without a job. I'm convinced this action is going to help farmers, businesses, truckers, and families in Minnesota and that's why I strongly support it.

I firmly believe that federal gas taxes should go to the Highway Trust Fund for road, highway and bridge improvements. That's why we're restoring revenues being provided to energy consumers by the 4.3 cent gas tax suspension. The Highway Trust Fund will be reinstated with non-Social Security budget surplus funds from the current fiscal year as well as fiscal year 2001. In addition, no highway projects or airport projects will be delayed or jeopardized, because funds going into the trust fund are fully restored by the surplus. There will be no impact on these projects.

If gas prices reach a national average of $2 a gallon for regular unleaded gasoline, federal excise gas taxes would be suspended, again without impacting the Highway Trust Fund in any way. This would suspend, until the end of the year, the 18.4 cents per gallon federal gasoline tax, the 24.4 cents per gallon tax on highway diesel fuel and kerosene, the 19.4 cents per gallon for noncommercial aviation gasoline, the 21.9

cents per gallon for noncommercial jet fuel, and the 4.4 cents per gallon for commercial aviation fuel.

Let me make this very clear: we are not going to raid the Highway Trust Fund with this legislation. In fact, we've ensured that the non-Social Security budget surplus will absorb all of the costs of the gas tax reduction. I also want to assure my colleagues and my constituents that this legislation walls off the Social Security surplus. We will not spend any of the Social Security surplus to pay for the gas tax reduction.

Our legislation is quite simply a tax cut for the American consumer at a time when it's needed most. We're going to use surplus funds—funds that have been taken from the American consumer above and beyond the needs of government—and give them back to consumers every day at the gasoline pumps. This legislation takes concrete steps toward more reasonable fuel prices, helping to serve as a buffer for consumers who are already feeling the impact of the high cost of gasoline and other fuels.

In closing, I want to say that I look forward to working with my colleagues in the coming days, weeks and months in forging a number of both short-term and long-term responses to the needs of farmers, truckers, the elderly, and all energy consumers. I've been a strong supporter of renewable energy technologies and increased funding for the Low Income Home Energy Assistance Program or LiHEAP. I strongly support the efforts of my colleagues to increase domestic oil and gas exploration and production. I remain committed to finding a resolution to our nation's nuclear waste storage crisis—a crisis that threatens to shut down nuclear plants and further weaken our nation's domestic energy security. And I'll continue to be one of the Senate's strongest critics of the Department of Energy's unconscionable neglect of the long-term energy needs of our nation.

Mr. KYL. Mr. President, I rise today to speak in support of S. 2285, the Federal Fuels Tax Holiday Act of 2000. Our country is in dire need of a comprehensive energy policy, including a strategy to reduce fuel prices. Immediately suspending the 4.3 cent per gallon Clinton/Gore gas tax is one thing we can do in the short-term to provide some relief from the high fuel prices we have been experiencing.

S. 2285 would further suspend all but 0.1 percent of federal excise taxes on fuels if the national average price of a gallon of regular unleaded gasoline rises to $2. While I fully support this concept, we should consider doing more. I have cosponsored legislation in the past that would permanently repeal all but two cents per gallon of the federal gas tax, allowing states to make up the difference if they choose to fund their own highway-construction needs.

Mr. President, we Arizonans have been sending more gas tax revenues to Washington than we receive back in federal highway funds. For Arizona, and other so-called donor states, repeal of the federal tax would either mean significant tax relief or, if the state does increase its own tax, more dollars actually spent on highway improvements in-state. It is time to divest the federal government of this authority, and give it back to the states where it rightfully belongs.

To ensure our energy security in the long-term, we also need a strategy for reducing our dependence on imported oil. Today we are extremely dependent on other countries for our oil—56 percent comes from foreign sources. While our imports are rising, domestic production is decreasing. In just the last decade, U.S. production has declined 17 percent. At the same time, our consumption has increased 14 percent. Unfortunately, we are moving in the direction of greater dependence on foreign oil, not less.

To reverse this trend we need to stop the decline in domestic production, which can only be done by increasing access to lands with high potential for oil and gas resources. Of course this can, and must, be done in an environmentally sensitive manner. While extraction should be part of a larger energy strategy, including the development of alternative fuels, and conservation efforts, it is a critical component. Increasing domestic production will help reverse our rising reliance on imported oil, and will boost supply, thereby lowering prices.

Mr. CAMPBELL. Mr. President, I intend to vote for cloture this afternoon on the Federal fuels tax holiday bill to help address the soaring cost of fuel and our rising dependency on foreign oil. We have had numerous hearings and many statements have been given on the floor to address this grave situation we are in. Unfortunately, it seems like we are going to have to endure this problem for a while longer.

Over the last few weeks, I have had many conversations with truckers, shippers, and concerned citizens about how this problem affects them. Specifically, my conversations boiled down how this crisis affects our American truck drivers. Over 95 percent of all commercial manufacturing goods and agricultural products are shipped by truck at some point. 9.6 million people have jobs directly or indirectly related to trucking. In addition, trucking contributes over 5 percent of America's gross domestic product which is the equivalent of $372 billion to the economy.

Along with these astonishing facts about trucking, here are some more facts about this fuel crisis:

fuel taxes account for about 28 percent of what you pay for a gallon of gas at the pump;

the government imposes 43 different direct and indirect taxes on the production and distribution of gas, bringing the total burden to 54 percent of the price of a gallon of gas;

U.S. oil production is down 17 percent from 1992, consumption is up 14 percent;

DOE estimates the United States will use 65 percent foreign oil by 2020;

the United States spends $300 million per day, and $100 billion per year on foreign oil;

and oil makes up one-third of our trade deficit.

I know what our truckers are going through. I put myself through college driving a truck and I just recently got my Colorado commercial driver's license so that I could get back into driving. Since I own a small rig, I know firsthand how the fuel crisis impacts those who depend on it. My fuel bills have doubled in the last year alone.

Hundreds of truckers from all over have come to Washington to ask for help on three different occasions in the last few weeks. One thing I have learned is that when many private citizens give their time to come to Washington, the issue is not profit margins, or stock prices, it is because they are fighting for their families' very livelihood.

I met a man named Wesley White from Oregon, who said he was on his last run. He could not afford to continue fueling his truck. He has spent his pension to buy the truck, but when he gets home, he's parking it for good. Without the income derived from delivering goods he will not be able to make truck payments and will lose the truck. Another trucker I met was living with his wife and two small children in the truck sleeper because the increase in diesel costs did not leave them enough money to pay their house rent.

Unfortunately, the administration has ignored the plight of these hard working Americans. This administration got us into this mess by their total lack of an energy policy. They stand in the way of domestic oil production by locking up public lands and refuse to release federal fuel stockpiles already in place.

Now, faced with skyrocketing diesel prices, they still do nothing of substance, instead they wanted to wait for OPEC to meet in Vienna which happened on March 27 and 28 of this year, hoping that the outcome would be favorable for the U.S., which is debatable. But can we trust this outcome when the U.S. has sanction on 8 out of the 11 OPEC nations?

Recently, the Energy Secretary went to the Middle East with hat in hand, to beg for fuel. He claims that this increase in oil production will lower fuel costs by approximately 11 cents by the end of the summer. Well, what do we do until then? The crisis is happening now. Also administration officials come before Congress to propose studying alternative energy sources, which is fine, but I have news for them: Trucks today run on diesel, not wind or solar power. Everything we buy to eat and wear comes on a truck. If the trucks stop rolling, this Nation stops rolling.

The benefits from this recent increase in oil production will not be seen for months. We need solutions now before any more Americans lose their jobs because of high fuel prices.

I am pleased the pending legislation includes a provision which is similar to a bill I introduced more than a month ago on March 2, S. 2161 the American Transportation Recovery and Highway Trust Fund Protection Act of 2000. My bill would temporarily suspend the federal excise tax on diesel fuel for one year or until the price of crude oil is reduced to the December 31, 1999 level. It would replace the lost revenues with monies from the budget surplus in the general fund, while protecting the Highway Trust Fund. S. 2161 is endorsed by the American Trucking Association, the Independent Truckers Association, and the Colorado Motor Carriers Association to name just a few.

The provision in the pending legislation states that in the event the national average price of unleaded regular gasoline rises to $2 per gallon or more, it would further suspend all federal excise taxes on fuels, while retaining only the 0.1 percent portion devoted to Leaking Underground Storage Tanks Trust Fund. I believe this action would be an important step forward to help relieve the escalating burden on America's truckers and farmers.

But, these bills are only short-term solutions, and only one step which could be taken. Our real problem is our dependence on foreign oil. In 1973, the year of the Arab oil embargo, the U.S. bought 35 percent of its oil from foreign sources. Today, we buy 56 percent, by some reports 62 percent. All the negotiations the administration is doing to get OPEC to open the spigots is not more than a band aid approach to a problem that will continually revisit us as long as we are dependent on foreign oil. It is unfortunate that we, a global superpower, are reduced to begging, and now we have to take what we can get from OPEC. More forceful actions need to be taken to expose the severity of this problem and address it now, not in the months to come. We cannot stand by and do nothing of consequence while good people lose their means of support.

The Federal fuels tax holiday bill is an important step forward to provide relief to hard working Americans from the burden of rising fuel prices, and I urge my colleagues to support cloture so we can pass this bill.

I thank the Chair and yield the floor.

• Mr. ROCKEFELLER. Mr. President, I wish to take this opportunity to explain why I missed the vote on the motion to invoke cloture on S. 2285, the Federal Fuels Tax Holiday bill, and more importantly, to explain why I would have voted against cloture on this bill.

I had to be absent for this vote because I was traveling to Taiwan, where I became the first Member of the U.S. Congress to visit its newly elected leadership. I made the trip to discuss and reinforce Taiwan's close economic ties with my state of West Virginia, and to relay our country's interest in Taiwan and its continued stable relations with China.

Had I been in Washington, DC, for this vote, I would have most assuredly voted against it. I would have opposed cloture for a number of reasons, including my philosophical opposition to the frequent use of the cloture procedure by the majority to foreclose Democratic initiatives. However, I was happy to see that this cloture motion failed because of more substantive concerns. Quite simply, this bill represents bad tax policy, bad energy policy, and bad transportation policy, all dressed up in an election year wrapper.

Proponents of the gas tax ''holiday'' would have us believe that this bill—which would have cut more than $200 million in federal highway money for West Virginia—was offered to do something about the recent price increases for gasoline and other fuels. Petroleum products are taxed at the refinery, not at the pump, and consumers would not have seen any of the savings passed through to them. Consumers in some states would even have seen their state gasoline tax go up in response to the federal tax going down. The effect of this bill would have been the creation of a windfall for oil companies and middlemen, with West Virginians still paying much more than the national average for a gallon of gas.

Mr. President, I would like to briefly discuss some of the problems with this legislation. The proposed 4.3 cent reduction would translate to more than $4 billion in lost revenue that would otherwise go to the Highway Trust Fund. The complete elimination of fuel taxes that would have been triggered by the price of gas going above $2.00 would explode that shortfall to more than $20 billion—all to be made up from a surplus that some would argue does not exist. These funding reductions would have put hundreds of thousands of Americans out of work, jeopardized projects to upgrade our aging transportation infrastructure, and put millions of highway users at risk.

In addition to the severe cutback in the highway funding mechanism, which we were so happy to put in place two years ago with the passage of TEA–21, the impact of the fuel tax repeal would have left the Airport and Airway Trust Fund under-funded to the tune of about $700 million a year. The effect on airline passenger safety, and on airport construction and maintenance projects, would be devastating.

Repeal of the gasoline excise tax would have eliminated the tax incentives we in Congress have instituted to expand the use of alternative fuels. Without the general excise tax from which to partially exempt alternative or blended fuels, there would be no realistic means of bringing our nation into compliance with fuel diversity standards we have previously worked to put in place. As this temporary worldwide shortage of gasoline demonstrates so painfully at the pumps, the United States needs an energy policy that weakens the grip of foreign suppliers.

Finally, Mr. President, I would like to comment on an earlier cloture vote on this issue. On March 30 I voted for the cloture motion on the motion to proceed to this bill. I voted this way not because I supported the gas tax repeal, but precisely because I thought the Senate should proceed to consideration of the bill, so that its many faults could be debated, and the bill could be voted down.•

Mr. BYRD. Mr. President, in response to the inquiry from the senior Senator from Virginia, Mr. WARNER, I would like to pass on my views on the intent and impact of Section 1(f)(4) of S. 2285. This provision, as Senator WARNER pointed out, is indeed unprecedented in the history of the law governing the Highway Trust Fund. As I read this provision, it is an attempt to make up for the losses in deposits that would occur to both the Highway and Airport and Airway Trust Funds as a result of a reduced fuel tax in this bill with transfers from the general fund of the Treasury. As has been pointed out by other Senators during debate on this bill, the legislation does not state with specificity how this diversion of general funds is to occur. It is not clear whether these general funds would be derived from the non-Social Security surplus or be required to be diverted from other areas of federal spending.

Finally, Mr. President, I would like to recognize the excellent staff work of Ann Loomis of Senator WARNER's staff, Ellen Stein of Senator VOINOVICH's staff, Tracy Henke of Senator BOND's staff, Mitch Warren of Senator LAUTENBERG's staff, Tom Sliter and Dawn Levy of Senator BAUCUS' staff, as well as Peter Rogoff, of my Appropriations Committee staff, on this effort.

Mr. President, I ask unanimous consent that letters of support from a number of interest groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Alexandria, VA, April 10, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC

DEAR SENATOR BYRD: The Associated General Contractors of America (AGC) greatly appreciates your vote in favor of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Amendment to the Budget Resolution. Your vote in support of not tampering with the federal gas tax and the Highway Trust Fund demonstrates your commitment to improving our nation's highways, bridges and transit systems.

The amendment, which was overwhelmingly approved by the Senate 66 to 34, declares the Senate's support for maintaining the current level of federal motor fuels taxes. The Senate has consistently rejected efforts to repeal portions of the federal gas tax. In 1998, 72 sitting Senators voted against

repeal of the 4.3-cent gas tax. The next day, the entire Senate voted to spend the 4.3 cents for badly needed highway and transit improvements.

It is imperative that the Senate continues to oppose any efforts to reduce the federal gasoline taxes on either a temporary or permanent basis. These user fees save lives, reduce congestion and create thousands of American jobs. Any reduction or suspension of the federal gasoline tax threatens to erode the spending levels guaranteed in the Transportation Equity Act for the 21st Century (TEA–21). Moreover, the reduction in gasoline taxes provides no guarantee that consumers will experience any reduction in the price at the pump.

Again, thank you for your support of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Amendment to the Budget Resolution. Please continue to help defeat any efforts to reduce the federal gasoline taxes and preserve the integrity of the Highway Trust Fund.

Sincerely,

JEFFREY D. SHOAF,
Executive Director,
Congressional Relations.

AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION,
Washington, DC, April 7, 2000.

Hon. PAT ROBERTS,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBERTS: On behalf of the 5,000 members of the American Road and Transportation Builders Association (ARTBA), thank you for your April 6 vote in support of the Byrd-Warner-Baucus-Voinvoich-Lautenberg-Bond Amendment to the proposed FY2001 budget resolution.

We greatly appreciate you going on record in opposition to efforts to repeal or suspend the federal motor fuels tax in response to rising gas prices. We have notified our members in your state that you voted to support retaining the current federal motor fuels tax and sent a strong signal against proposals that would place funding for state highway and mass transit improvement programs at risk.

Unfortunately, this issue may come before the Senate again the week of April 10. We understand S. 2285, or some variation thereof, may be brought to the Senate floor in the near future as a stand-alone bill or as an amendment to other legislation. S. 2285 would temporarily repeal 4.3 cents of the federal motor fuels tax from April 15, 2000, through January 1, 2001. The bill would repeal the entire 18.4 cents federal gas tax if the national average price for a gallon of gasoline rises above $2.00. The bill proposes to use the ''on-budget surplus'' to ''reimburse'' the more than $20 billion that could be lost to the Highway Trust Fund under this scheme.

We hope you will vigorously oppose S. 2285 or like proposals.

This bill introduces uncertainty and risk into state highway and mass transit funding. Federal investment in these areas is already guaranteed under TEA–21. There is no need to risk this guarantee for a promise that things will be taken care of using the ''on-budget surplus.''

The fact is, S. 2285 could utilize the entire FY 2000 ''on-budget surplus.'' According to the Senate Budget Committee's Informed Budgeteer, the Congressional Budget Office has re-estimated the FY 2000 ''on-budget surplus'' to be $15 billion. Repealing the entire federal gas tax from April 15 to September 30—a possibility under S. 2285—would cost the Highway Trust Fund approximately $15 billion.

This would leave no room for other Republican or Clinton Administration budget priorities . . . or for using the ''surplus'' to pay down the national debt . . . or to protect Social Security and Medicare. The House has already adopted a supplemental appropriation bill for FY 2000 that would tie-up $16.7 billion of the ''on-budget surplus''! The proposed supplemental is but one of many measures that would utilize the ''on-budget surplus.''

Again, we thank you for your vote April 6. We need you to be with us again in opposition to S. 2285.

Sincerely,

T. PETER RUANE,
President & CEO.

AAA WASHINGTON OFFICE,
Washington, DC, April 4, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: AAA is pleased to lend its support to your amendment to the Senate budget resolution, S. Con. Res. 101, expressing the ''Sense of the Senate'' that the federal gasoline tax should not be reduced or repealed.

AAA has serious concerns about efforts to suspend or repeal any portion of the federal excise tax on gasoline. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is a shortage of supply caused by curtailed production of crude oil by OPEC member nations.

The benefit to motorists from reducing the gas tax is, at best minimal—repealing 4.3 cents would amount to about $1/week for the average consumer. However, as your amendment points out, the resulting loss of revenue to the Highway Trust Fund would be disastrous to the important work of fixing the nation's highways and bridges and improving safety.

It is highway and traffic safety that is of most concern to AAA. Lower receipts to the Highway Trust Fund compromise the safety of the traveling public. We take these roads back and forth to work and on vacations, our children take these roads to school, and our public safety officials use these arteries to respond to emergencies.

Asking Americans to choose between a gas tax reduction and safety is posing the wrong question. The right question is: How should Congress and the Administration manage an energy strategy that reduces dependence upon a foreign cartel? That way motorists would have the safe highways they've paid for through their gas taxes and an oil supply they can rely on. Short-term fixes, while politically popular, are not in the best interests of highway safety and the overall economic well being of the nation.

Congress made a very important decision by creating the Highway Trust Fund and establishing the direct link between user fees paid by motorists and trust fund monies dedicated to improving the nation's surface transportation. Because of TEA–21, the trust fund is now dedicated to providing Americans the safe and efficient transportation system on which they have paid and on which they rely.

Again, AAA appreciates your continued leadership on transportation issues and is pleased to support your amendment.

Sincerely,

SUSAN G. PIKRALLIDAS,
Vice President,
Public & Government Relations.

CONSTRUCTION INDUSTRY MANUFACTURERS ASSOCIATION,
Washington, DC, April 7, 2000.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: The Construction Industry Manufacturers Association (CIMA) thanks you for your support of the amendment to S. Con. Res. 101 to oppose a reduction of federal fuel taxes. CIMA is the full service, innovative business resource for over 500 construction equipment manufacturers and services providers.

CIMA's membership was alerted to this amendment and actively lobbied for a favorable vote. The bipartisan support for the amendment demonstrates that an overwhelming majority of the Senate supports the user fee concept to build and maintain our nation's roads, highways and bridges.

A reliable transportation infrastructure is essential to maintain the strength of the U.S. economy and for the American public to enjoy safe and efficient modes of travel.

CIMA thanks you for your support.

Sincerely,

DENNIS J. SLATER,
President.

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA,
Washington, DC, March 28, 2000.

DEAR SENATOR: On behalf of the more than 800,000 members of the Laborers' International Union of America, I am writing to urge you to oppose any effort to temporarily repeal the entire 18.4 cents per gallon gas tax to offset the recent increases in the price of gasoline, diesel and aviation fuel. While a repeal of the gas tax would most certainly result in less spending on transportation infrastructure, safety programs and job losses, there is simply no guarantee that it would result in lower prices at the pump.

The current plan likely to be considered on the Senate floor proposes to suspend the 4.3 cents gas tax immediately. However, even if the 4.3-cents tax is suspended, few consumers will likely see savings at the pump for at least two reasons. First, the tax is not actually imposed at the gas pump; rather it is collected shortly after it leaves the refinery. The fuel can pass through several middlemen before it reaches the consumer. None of these middlemen would have to pass along the savings. Those supplying the fuel could simply keep the reduced tax. Past experience has shown that as the wholesale cost of fuel goes up, prices at the pump increase. Decreases in fuel taxes, however, have not necessarily been passed on to motorists and motor carriers.

Several years ago, Connecticut reduced their state fuel tax but it did not translate into a price cut for consumers. As the Hartford Courant noted in 1997, after prices failed to come down.

''Gas taxes and prices are not connected in an ironclad way. The tax can be cut, but the benefits to consumers will be swallowed up in higher prices at the pump. In the future, the governor and legislature should build tax policy on a firmer foundation.''

Secondly, some states, such as California, have laws that automatically increase the state fuel tax with any reduction in the federal fuel tax. In those states, the consumer would realize no tax savings at all.

The new Senate plan calls for funding the gas tax repeal out of the budget surplus, a proposal that would supplant other legislative priorities. In 1997, Congress transferred the revenue from the taxes imposed on highway users to the Highway Trust Fund to help pay for highway and transit infrastructure, and for highway safety programs. The 4.3-cent tax on gasoline and diesel brings in $7.2

billion to the Highway Trust Fund annually—$5.8 billion for highways and $1.4 billion for transit. When Congress passed the TEA–21 bill, it established a direct link between these funds and the funding returned to the states and cities for highways and transit. Under TEA–21, all highway programs—highway construction, highway safety, transportation enhancements and high-priority projects—are decreased proportionally if tax revenues fall. Using the budget surplus for transportation puts highway construction, highway safety and transit programs at risk when Congress reauthorizes them in 2003, because the funding levels in TEA–21 will not be sustainable without a tax increase or continued transfers from the General Fund.

In essence, repealing the gas tax could reduce spending for highway construction, transit and other transportation infrastructure programs and draw down the budget surplus without ever putting one cent, and at the very most pennies a week, into the pocket of the average consumer. To put it simply, it's a bad idea.

For all the above reasons and more, we ask you to oppose any effort to repeal or suspend any portion of the gas tax if the full Senate considers it.

Sincerely yours,

TERENCE M. O'SULLIVAN,
General President.

AMERICAN PORTLAND CEMENT ALLIANCE,
Washington, DC, April 6, 2000.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: On behalf of the American Portland Cement Alliance (APCA), a trade association representing virtually all domestic portland cement manufacturers, thank you for voting in favor of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond sense of the Senate amendment to the budget resolution.

As you know, an attempt to repeal or temporarily suspend the federal fuels user fees (gasoline tax) may occur next week, possibly during consideration of the Marriage Penalty Tax legislation. Because the amendment would likely reimburse the transportation trust funds with General Fund revenues, its enactment could easily consume this year's entire projected budgetary surplus (not required to protect the Social Security Trust Fund). In short, if you have other priorities, such as paying down the national debt, estate and marriage penalty tax reductions, Medicare, or education, the money will be gone.

APCA is deeply concerned that any reduction in the user fee would undermine TEA–21 and the funding commitment that legislation made to the states for highway and mass transit programs. Any reduction in these user fees would jeopardize the funding guarantee under TEA–21 and, more importantly, introduce uncertainty for state highway and transit improvement programs, and the construction and material supply industries, such as the cement manufacturers. Therefore, I respectfully ask that you vote against any measures to repeal the federal fuels user fees.

Again, thank you for your support on the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond sense of the Senate amendment.

Sincerely,

RICHARD C. CREIGHTON,
President.

AAA WASHINGTON OFFICE,
Washington, DC, April 7, 2000.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: AAA thanks you for your vote in support of the amendment offered by Senator Robert Byrd (D–WV) to the fiscal year 2001 budget resolution. The 66–34 vote in favor of the Byrd amendment is a clear signal that the majority of the U.S. Senate does not support efforts to suspend or repeal any portion of the federal excise tax on gasoline.

AAA continues to have serious concerns about efforts to reduce the federal gas tax. Motorists will see very little benefit from the repeal and they could, in fact, face significant safety problems. The loss of revenue to the Highway Trust Fund would be disastrous to the important work that needs to be done to improve the nation's highways, bridges, and safety programs. A gas tax repeal is a short-term fix to a long-term problem and is not in the best interests of highway safety.

AAA encourages you to stand firm in opposition to further consideration of any effort to repeal or suspend the federal gas tax.

Sincerely,

SUSAN G. PIKRALLIDAS,
Public and Government Relations.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. How much time remains?

The PRESIDING OFFICER. The Senator has 40 seconds.

Mr. MURKOWSKI. I respond by telling my friend, Senator WARNER, that the gas station is the most competitive business in this country. I yield the remaining time to my friend, Senator SMITH of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time remains?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. SMITH of New Hampshire. Mr. President, under S. 2285, lost revenues to the highway trust fund would be made up dollar for dollar from the on-budget surplus. Let's not forget that we are in this position because the President of the United States does not have an energy policy. We cannot continue to risk both the well-being of the American people and our national security. This policy of relying on overseas energy has left us vulnerable to the whims of foreign countries.

Passage of S. 2285 will bring relief to working families and protect our highway trust fund. I urge my colleagues to support the legislation.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will use a few minutes of my leader time, if I may, because I understand we have no time on our side either.

I ask unanimous consent that a letter sent to me by two Cabinet officials, Larry Summers and Bill Richardson, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 10, 2000.

Hon. THOMAS DASCHLE,
Minority Leader,
U.S. Senate; Washington, DC. 20910

DEAR SENATOR DASCHLE: The Administration believes that Congress should pass critical tax credits and incentives that would promote energy efficiency and the use of renewably energy resources to enhance our energy security, instead of a temporary suspension of fuel taxes that will offer consumers little tangible benefit while risking highway and mass transit funds and squeezing other key priorities like education and law enforcement.

We urge the Congress to adopt measures that would address fundamental energy needs. The President has proposed a comprehensive tax package, including new tax credits for domestic oil producers and essential incentives to promote energy efficiency and the use of renewable energy sources. Congress should pass the President's tax package and fund fully his fiscal year 2001 budget and 2000 Supplemental to promote energy security through the use of domestic energy technologies. Enactment of these proposals would reduce the effect of high energy prices, decrease our dependence on imported oil, and improve the environment.

Much of the benefit of the proposal would accrue to OPEC and other producers rather than American consumers, in contrast to the Administration's approach, which seeks to enhance energy security by increasing domestic energy supplies and energy efficiency. Reducing fuel taxes would increase the demand for imported oil. The quantity of oil in the world market in effectively fixed in the short term. The combination of increased demand and a fixed supply would increase the price of oil, with much of that increase accruing to OPEC instead of American consumers.

The Transportation Equity Act for the 21st century, PL. 105–178, signed by the President on June 9, 1998, guarantees that funds deposited in the highway account will be automatically spent on federal highway and construction needs. The transportation fuels taxes are in the nature of user fees to recoup those costs. We believe that this legislation is inconsistent with this national policy that users of the nation's transportation system should pay for the costs of building and maintaining our transportation infrastructure. There is no justification for shifting transportation infrastructure costs, as S. 2285 would do, from the users of this transportation system to taxpayers generally.

We are concerned that S. 2385 only partially protects the Social Security Trust Fund. It provides that the revenue loss from rate reductions in excess of 4.3 cents per gallon may not exceed the on-budget surplus. The 4.3-cents-per-gallon rate reduction, however, would apply even if it remits in an on-budget deficit. In any case in which the rate reduction results in a deficit, the ultimate effect is that a portion of the Social Security Trust Fund equal to the deficit is diverted to maintain highway spending programs at their current level. In addition, S. 2285 would affect receipts and is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

Finally, we are concerned that this proposal cannot be administered. S. 2285 provides that the aggregate revenue effect of rate reduction in excess of 4.3 cents per gallon not exceed the on-budget surplus during the period the taxes are reduced. We are concerned about our ability to administer this limitation if the rate reductions in excess of 4.3 cents per gallon are triggered. Because the rate reduction period does not coincide with normal budgetary accounting periods, the budget surplus for the period may never be known.

For the forgoing reasons, we strongly oppose S. 2285. We look forward to working with you on meaningful legislation that will promote domestic energy solutions and reduce our long-term dependency on foreign oil.

Sincerely,

LAWRENCE H. SUMMERS.
BILL RICHARDSON.

Mr. DASCHLE. Basically, the letter says what a number of our colleagues have been saying throughout this debate, that this could have devastating consequences on general revenues as well as on the Social Security trust fund per se.

It says, briefly reading a couple of paragraphs:

In any case in which the rate reduction results in a deficit, the ultimate effect is that a portion of the Social Security Trust Fund equal to that deficit is diverted to maintain highway spending programs at the current level. In addition, S. 2285 would affect receipts and is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990.

We are concerned that this proposal cannot be administered. S. 2285 provides that the aggregate revenue effect of rate reductions in excess of 4.3 cents per gallon not exceed the on-budget surplus during the period the taxes are reduced. We are concerned about our ability to administer this limitation if the rate reductions in excess of 4.3 cents per gallon are triggered. Because the rate reduction period does not coincide with normal budgetary accounting periods, the budget surplus for the period may never be known.

We ought to have a very good and thorough discussion about the implications of this bill prior to the time we are called upon to vote on it. By voting for cloture now, we cut off debate that never was. We cut off a debate that ought to provide a thorough examination of the implications on the Social Security trust fund, of the budget overall, of highway construction this year, of the implications for infrastructure in the outyears, of the solvency of the trust fund in periods beyond this fiscal year. All of those issues have not been debated.

For that reason, I hope my colleagues will join me in opposition to the cloture vote to be cast today.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 473, S. 2285, a bill instituting a Federal fuels tax holiday:

Trent Lott, Judd Gregg, Connie Mack, Kay Bailey Hutchison, James Inhofe, Frank H. Murkowski, Paul Coverdell, Michael Crapo, Thad Cochran, Charles Grassley, Jim Bunning, Gordon Smith, Ben Nighthorse Campbell, Larry E. Craig, Bob Smith, and Don Nickles.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2285, a bill instituting a Federal fuels tax holiday, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—43

Abraham	Gramm	Murkowski
Allard	Grams	Nickles
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Kyl	Specter
Crapo	Lott	Stevens
DeWine	Lugar	Thompson
Domenici	Mack	Thurmond
Fitzgerald	McCain	
Gorton	McConnell	

NAYS—56

Akaka	Edwards	Levin
Ashcroft	Enzi	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Bennett	Frist	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Reed
Bond	Hollings	Reid
Boxer	Hutchinson	Robb
Breaux	Inouye	Roberts
Bryan	Jeffords	Sarbanes
Byrd	Johnson	Schumer
Chafee, L.	Kennedy	Thomas
Cleland	Kerrey	Torricelli
Conrad	Kerry	Voinovich
Daschle	Kohl	Warner
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator proceed to Calendar No. 437, H.R. 6, the marriage penalty tax repeal bill, and that the motion to proceed be agreed to, that the bill be subject to debate only, equally divided, and at 4 p.m. the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I will briefly explain what we have in mind, and then I believe Senator INHOFE has some comments he wants to make on another issue before we go to the actual debate on the marriage tax penalty.

Senator DASCHLE and I have been talking. As a result of the caucus luncheon, the Democrats have some amendments they want to have made in order. If they are relevant or if they are close to being relevant in a way we can have debate and votes on them, we would like to work out an agreement to do that. I have asked him to provide me a list of those amendments so we can make sure we understand what they are and have a chance to assess their relevancy.

It is preferable we do that rather than filing cloture and having a cloture vote. I believe the American people think it is time to quit talking about the marriage tax penalty and do something about it. I know Senator MOYNIHAN has a different approach as to how to deal with it. It is credible. We have looked at that and debated it in the Finance Committee. Certainly, that substitute or other substitutes should be offered.

Rather than just mark time and not accomplishing anything, this will put us into general debate on the marriage tax penalty until 4 p.m. Then in an hour, we will have a chance to get an agreement on how to proceed. I want us to debate this issue, fully understand the ramifications of what the Finance Committee reported out, have debate on the amendments and vote on those amendments and complete this legislation. The American people believe it is time we do this.

I cannot help remembering what we did on the Social Security earnings test. We made in order a couple of amendments. We had a good debate, and we had a vote or two and passed it unanimously. I believe most Members of the Senate, if not all, realize there are inequities with the marriage tax penalty and we should do something about it. I want to facilitate getting to that point.

The House has acted overwhelmingly. We are going to see if we can work out an accommodation and obtain a UC agreement as to how to proceed.

If I need to, I will take leader time to make this brief comment on the bill on which we just voted. The Senate has spoken, although I note there were 43 Senators who thought there should be some sort of fuels tax holiday so that working Americans could have some relief.

I emphasize, this issue is not over. I fear gasoline prices are going to go up. The fact is, we are still dependent, and

going to be even more dependent, on foreign oil, mostly OPEC oil, for 55 percent or more of our needs. We need to do something. We do not have an adequate energy policy, if there is one at all. This issue will not go away.

My comment to those who voted against it on both sides is: if not this, what? And if not now, when are we going to do something about our energy dependence on foreign oil? There is a danger here, and we need to find a way to address it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, did the leader ask consent as to what is happening between now and 4 o'clock?

Mr. LOTT. If the Senator will yield, we are going ahead with general debate on the marriage tax penalty until 4 o'clock with the time equally divided.

Mr. REID. Will the leader agree the time should be equally divided?

Mr. LOTT. It was in the request. The time will be equally divided.

Mr. REID. I am sorry; I missed that.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORE EVIDENCE OF COVERUP

Mr. INHOFE. Mr. President, I understand a lot of people are preparing their remarks to address this very significant subject of the marriage tax penalty. I know the Senator from Texas has addressed this subject many times, as I have, and I intend to do that.

Regrettably, I want to report to the Senate and to the American people something different, which is more evidence of the hypocrisy, corruption, and coverup which pervades this administration. Something happened last week. At a hearing of the Senate Armed Services Committee, we finally got some answers about the ''investigation'' concerning the March 1998 incident in which information from Linda Tripp's confidential Government security file was deliberately leaked to the media.

Linda Tripp was and still is a Government employee who works out of the Pentagon. I understand nobody wants to hear about this. They would rather hear warm and fuzzy things. People say they have already heard it before, which they have not, but they think they have. They say there are only 9 months left in this President's term. Everybody says: Shut up; let it go; leave it alone; there is nothing you can do about it. They say: Just move on to something else.

For those concerned about the politics of it, that is probably wise counsel, but some of us are less concerned about the politics than we are about the truth.

I wish I did not have to say anything about this subject, but somebody has to do it. We are talking about another crime committed in this administration. Politicians do not want to make people feel uncomfortable. As Henry Ward Beecher said:

> I don't like those cold, precise, perfect people who, in order not to say wrong, say nothing; and in order not to do wrong, do nothing.

A lot of say nothing and do nothing takes place in this Senate. That is why I asked Donald Mancuso, the Pentagon's acting inspector general, a series of questions at the hearing last week. His answers revealed for the first time a number of things we previously did not know.

He told us: No. 1, the Pentagon Office of Inspector General completed its investigation of this matter in July of 1998. Spokespeople in the administration have been implying for the last 20 months that the Pentagon itself was still investigating. This is not true. It is just another Clinton lie.

What we have is evidence of a lie, a coverup, and a transparent effort to drag it out as long as possible, hoping to run out the clock as the administration's time in office winds down.

No. 2, we learned that the report—this is the report on the leak in 1998—was given to the Justice Department for criminal prosecution, and quoting Mancuso:

> We felt we had found sufficient information to warrant consultation with the Department of Justice.

This means it was a criminal referral. The Pentagon IG obviously believed there was sufficient evidence that a crime had been committed.

No. 3, the inspector general concluded that Pentagon Director of Public Affairs Ken Bacon was involved in illegal activity. Quoting again Inspector General Mancuso:

> The facts show that information was released by Mr. Bacon and it related to Linda Tripp.

No. 4, the Justice Department, after a 20-month coverup, quietly told the Pentagon in the last 2 weeks it would not prosecute anyone in the case.

We would not even have known about it if it had not been for the fact this came out during a hearing. This came out in a hearing that was live on C-SPAN. It was a public hearing, a public forum, so no one is going to be held legally accountable for what happened.

Remember, this is the President, who, in November 1992, said he would immediately fire anyone who was caught disclosing information from confidential Government personnel files.

All these things were not publicly known previously. I repeat, these four new findings we learned for the very first time only last week: First, we discovered that the Pentagon Office of Inspector General completed its investigation of the matter in July of 1998.

Second, we learned that the report was given to the Justice Department for criminal prosecution.

Third, we learned that the inspector general concluded that Pentagon Director of Public Affairs Ken Bacon was involved in the illegal activity.

Mancuso said:

> The facts show that information was released by Mr. Bacon and it related to Linda Tripp.

Under the circumstances, releasing this information was clearly a criminal act, whether the Justice Department wants to believe this or not.

Fourth, we learned that the Justice Department has been covering up the crime for 20 months and only now tells us that no one will be prosecuted and no one will be held accountable.

This would never have come to light if it had not been for this hearing.

This is the same Justice Department that has botched up the investigation of the theft of information on the W–88 warhead, that has refused to appoint an independent counsel to investigate campaign fundraising illegalities, and that continues to cover up vital information in defiantly refusing to release the LaBella and Freeh memos suggesting that crimes may have been committed in the Chinagate scandal.

All this was ''breaking news'' last week. Did we read about it in the New York Times, in the Washington Post, or in the Los Angeles Times, or any of those publications? Did we hear about it on ABC, CBS, NBC, or CNN? No, we did not. With the noted exception of the Washington Times, the mainstream media largely ignored this important story.

Have we come to the point, 7 years and 3 months into this President's term, that the media, that is supposed to be the watchdogs of democracy, has given up caring about lawbreaking and abuses by the incumbent administration? Is that what this is all about? Are they so tired and bored by it all that they cannot report the obvious facts to the American people?

I appeal to the media right now to cover this story, and to cover it well. Just tell the truth. Expose the facts. Expose the hypocrisy. Do not, by your silence, allow yourselves to become pawns and participants in another Clinton coverup.

This is still America. The truth still matters. Let's look at some history. Let's recall a time when the media played a much different role than they are playing now. Watergate was 25 years ago, a time before the ''death of outrage,'' when the media boasted of its role explaining the immense significance of lawbreaking and coverups in high places.

Charles Colson, a guy I happen to know, I say to Senator BYRD—I attend a Bible study with him; an outstanding individual; at that time he was not so outstanding—was special counsel to President Nixon. He went to jail for doing essentially what Ken Bacon did. He released information to the media about a Pentagon employee that came from a confidential Government file in an attempt to discredit that person.

This was a crime then; and it is a crime now.

What exactly did Colson do? This is what he said he did, in his own words. This is going back to 1991:

> I got hold of derogatory FBI reports about Ellsberg and leaked them to the press.

He said further, in 1976:

> I happily gave an inquiring reporter damaging information . . . compiled from secret FBI dossiers.

So what happened to Colson?

In the midst of the media firestorm surrounding Watergate, Colson pleaded guilty to the charge that he obstructed justice by disseminating to the media derogatory information from a confidential FBI file about Daniel Ellsberg.

Colson was sentenced by U.S. District Court Judge Gerhard Gesell to a prison term of 1 to 3 years and fined $5,000. At the sentencing, Judge Gesell deplored Colson's ''deliberate misconduct'' and he lectured him to understand that ''Morality is a higher force than expediency.''

In his book, ''Born Again,'' Colson talked about the significance of what he had done. He recalled that Judge Gesell said, in his pretrial hearing:

> The whole purpose of this case, beyond its immediate objective, is to direct some attention to the desirability of having a government of law, not a government of men. That is what this is [all] about.

Colson continued, in his own words:

> It is something I remembered from Civics I in school.

He said:

> These were the cardinal principles of American government, the real bull-work against man-made tyranny. When a man's constitutional rights are in jeopardy, the violation, even cloaked in the time-honored protective shroud of national security, is simply intolerable.

Colson served 7 months in jail before the court reduced his sentence to time served.

Now, what did Ken Bacon do?

Let's go to the Washington Post of May 22, 1998:

> The Pentagon's chief spokesman (Ken Bacon) apologized today for authorizing the release to a reporter of information contained in Linda R. Tripp's 1987 security clearance form, saying, ''In retrospect, I'm sorry the incident occurred.''
>
> Bacon's remarks came after he acknowledged in a deposition last Friday that he provided the New Yorker writer Jane Mayer with the Tripp information.

So, in other words, he admitted it. There is no question about whether or not he committed this crime. There is no doubt about it, no dispute about it.

Bacon said:

> I'm sorry that I did not check with our lawyers or check with Linda Tripp's lawyers about this.

Sorry? Sorry didn't cut it for Chuck Colson. Colson committed his crime in July of 1971. He admitted his guilt and pleaded guilty on June 3, 1974, and was sentenced to jail June 21, 1974.

Bacon committed his crime in March 1998. He admitted what he had done in June of 1998. The Pentagon inspector general referred the matter for criminal prosecution in July of 1998. So now, 2 years later, in April of 2000, the Clinton Justice Department says it is going to take a pass, hoping nobody will see or care at this late date.

Colson went to jail and served time in prison. If there was justice, an equal application of the law, Bacon would also go to jail and serve time in prison.

Is this the first time the Clinton administration has been involved in lawbreaking and corruption? Hardly. It has almost become a way of life: Travelgate, Filegate, Buddhist Temple fundraisers, illegal foreign campaign contributions, the compromise of high-technology nuclear secrets to China, not to mention perjury and obstruction of justice—the list goes on and on.

Why is any of this important? It is all about a concept that is basic to America, a concept as basic as going to church on Sunday. That concept is: Equal application of the law.

Only the media can ultimately protect this fundamental principle by informing the people about what is happening. If the people do not know, of course, they will not care. The role of the media is critical in protecting our liberties. So again, I appeal to the media to cover this story, not to cover up this story.

Does anyone care? I believe the American people care. But they must be informed first.

Let me conclude by recalling the words of Chuck Colson. In writing about his own case, he said:

> I pleaded guilty after being told by Watergate prosecutor Leon Jaworski that my conviction would deter such a thing from [ever] happening again.

So I am here today to tell the American people, it just happened again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. ROTH. Mr. President, I rise to discuss the centerpiece of our efforts to reduce the tax overpayment by America's families. The Marriage Tax Penalty Relief Act of 2000 delivers savings to virtually every married couple in America. And it does so within the context of fiscal discipline and preserving the Social Security surplus.

The importance of this measure cannot be overstated. According to the most recent CBO estimates, in 1999, 43 percent of married couples—about 22 million couples—faced the marriage tax penalty. The average penalty was $1,480 per couple. This was levied on individuals who are already overburdened with expenses—the costs associated with buying homes, paying for education, raising children, and building financial security for retirement.

It isn't fair, Mr. President. It isn't fair that when two individuals marry their combined tax liability becomes greater than if they had remained single and continued to pay taxes at their single rate. But unfortunately, this has been the case—to one degree or another—for more than 30 years.

Now it's time for a change.

It's time to restore equity—to bring balance and fairness into the tax equation for these married couples. This, of course, is not as simple as it might appear. Our tax system has tried to balance three disparate goals—progressivity, equal treatment of married couples, and marriage neutrality. And it is impossible to achieve all three principles at the same time.

The principle of progressivity holds that taxpayers with higher incomes should pay a higher percentage of their income in taxes. The principle of equal treatment of married couples holds that households with the same amount of income should pay the same level of tax. And the principle of marriage neutrality holds that a couple's income tax bill should not depend on their marital status. The tax code should neither provide an incentive nor a disincentive for two people to get married.

Our policy response differs depending on how we balance these different principles. For instance, if we want to ensure that when two singles get married their total tax bill will not rise—but we do not mind if two married couples with the same overall income level are treated differently, then we arrive at one result. However, if we want to make sure that two singles who marry do not face increased taxes—and we want to make sure that two married couples with the same income level are treated evenly—then we arrive at a different result.

Last year, the Senate position in the Taxpayer Relief Act of 1999 embraced the first policy result. We focused on the difference between what two spouses would pay in taxes if they were single versus what they would pay in taxes if they were married. In order to fully address that problem, we developed a system whereby a married couple would have an option. The couple could continue to file a joint return using the existing schedule of married filing jointly. Or the couple could choose to file a joint return using the separate schedules for single taxpayers. It was straightforward, and it was universal—we did not try to impose arbitrary income limits to cut off the relief.

As I said last year, this approach had a lot of good things about it. Most importantly, I liked the way that it basically eliminated the marriage penalty for all taxpayers who suffered from it. It delivered relief to those in the lowest brackets as well as to those in the highest brackets. It also delivered relief to those who itemized their deductions as well as those who took the standard deduction.

Nevertheless, I did not propose, or support, the separate filing plan this year. As the Chairman of the Finance

Committee, I am responsible for developing tax policy in a rational manner. I am also responsible for working with members of my Committee and of the full Senate.

After listening to my colleagues' views on marriage tax relief, I came to the conclusion that the best approach at this time is to build on the foundation that Congress has already approved. Last year, in the conference report of the Taxpayer Relief Act of 1999, the Congress adopted three components of marriage penalty relief. These include an expansion of the standard deduction for married couples filing jointly; a widening of the tax brackets; and an increase in the income phase-outs for the earned income credit. A different part of the bill also addressed the minimum tax issue. This year, the House passed a marriage penalty tax bill that included the first three components.

And the Finance Committee bill, the Marriage Tax Penalty Relief Act of 2000, has built on this foundation. Under current law, for the year 2000, the standard deduction for a single taxpayer is $4,400. The standard deduction for a married couple filing a joint return is $7,350. That means that for couples who use a standard deduction—and those are generally low and middle income couples—they are losing $1,450 in extra deductions each year. At a 28% tax rate, that lost deduction translates into an extra tax liability of $406 each and every year.

The Finance Committee bill increases the standard deduction for married couples so that it is twice the size of the standard deduction for singles. And we do that immediately, for the 2001 tax year. When fully effective, this provision provides tax relief to approximately 25 million couples filing joint returns, including more than 6 million returns filed by senior citizens.

Increasing the standard deduction also has the added benefit of simplifying the tax code. Approximately 3 million couples who currently itemize their deductions will realize the simplification benefits of using the standard deduction.

Second, the Marriage Tax Penalty Relief Act of 2000 addresses the cause of the greatest dollar amount of the marriage tax penalty—the structure of the rate brackets. Under current law, the 15% rate bracket for single filers ends at taxable income of $26,250. The 15% rate bracket for married couples filing jointly ends with taxable income of $43,850, which you can see is less than the sum of two times the single rate bracket. In practical terms, that means that when two individuals who each earn $30,000 get married and file a joint tax return, $8,650 of their income is taxed at the 28% rate rather than at the 15% rate that the income would have been subject to if they had remained single. The extra tax liability for that couple each year comes out to $1,125.

The Finance Committee bill remedies that fundamental unfairness. The bill adjusts the end point of the 15% rate bracket for married couples so that it is twice the sum of the end point of the bracket for single filers. Recognizing that the rate structure hurts married couples in the higher brackets, the bill also adjusts the end points of the 28% rate bracket as well.

When fully effective, and we make that happen a year earlier than the House, this provision will provide tax relief to approximately 21 million couples filing joint returns, including more than 4 million returns filed by senior citizens.

Third, the Marriage Tax Penalty Relief Act of 2000 addresses the biggest source of the marriage tax penalty for low income, working families—the earned income credit. This complicated credit is determined by using a schedule for the number of qualifying children, and then multiplying the credit rate by the taxpayer's earned income up to a certain amount. The credit is phased out above certain income levels. What that means is that two people who are each receiving the earned income credit as singles may lose all or some of their credit when they get married.

In order to address that problem, the Finance Committee bill increases the beginning and ending points of the income levels of the phase-out of the credit for married couples filing a joint return. For a couple with two or more qualifying children, this could mean as much as $526 in extra credit. This provision would also expand the number of married couples who would be eligible for the credit. It will help over one million families.

The PRESIDING OFFICER. The time allotted to the majority has expired.

Mr. ROTH. Parliamentary inquiry: I didn't think there was any time limit.

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement, the time between 3 and 4 o'clock was equally divided between the majority and the minority, or their designees. The Senator from Montana has 29 minutes.

Does the Senator from Montana have a question?

Mr. BAUCUS. Mr. President, I offer a unanimous consent request, if I may.

The PRESIDING OFFICER. The Senator may present the request.

Mr. BAUCUS. Mr. President, the Chair restated the agreement, as I understood it, correctly. But I don't think the chairman of the committee, Senator ROTH from Delaware, was on the floor when that unanimous consent was propounded and agreed to. He was unaware of the time constraint. I think it is only fair, frankly, that the Senator from Delaware be able to present his views. I am willing to yield as much time as I have to the Senator. How much does the Senator need?

Mr. ROTH. I would say 10 minutes.

Mr. BAUCUS. Ten minutes. Fine, Mr. President.

Mrs. BOXER. Mr. President, reserving the right to object—I will not object—I would not want to give away 10 minutes of time from this side because there are others who want to speak and are counting on the minutes. I have no problem doing a unanimous consent request giving the Senator an additional 10 minutes. But I would like to retain 30 minutes of time on this side.

The PRESIDING OFFICER. There was no unanimous consent request. The time was under the control of the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time be extended to 10 minutes after 4 p.m. and that this side have 29 minutes—whatever it is—and the remainder of time be allotted to the Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I have a parliamentary question. It was my understanding that Senator INHOFE was speaking as if in morning business. Does that time count?

The PRESIDING OFFICER. I believe that is the source of the misunderstanding. Senator INHOFE did speak as if in morning business. However, the unanimous consent request was that the time between 3 and 4 be allocated equally. Therefore, I believe the unanimous consent request just propounded by the Senator from Montana would probably very closely correct that misunderstanding. I believe all of us were operating under that understanding.

Mr. ROTH. I thank the distinguished Senator from Montana for his courtesy.

Mrs. HUTCHISON. Parliamentary inquiry: What is the time allocation between now and 10 minutes after 4 o'clock?

The PRESIDING OFFICER. The time allocation at this time is 10 minutes to the majority and 29 minutes remaining for the minority.

Mr. ROTH. Mr. President, finally, the Marriage Tax Penalty Relief Act of 2000 tries to make sure that families can continue to receive the family tax credits that Congress has enacted over the past several years. Each year, an increasing number of American families are finding that their family tax credits—such as the child credit and the Hope Scholarship education credit—are being cut back or eliminated because of the alternative minimum tax. Last year, Congress made a small down-payment on this problem, temporarily carving out these family tax credits from the minimum tax calculations. This year, we are building on that bipartisan approach, by permanently extending the preservation of the family tax credits.

Because of this provision, millions of taxpayers will no longer face the burden of calculating the alternative minimum tax.

In making the changes that I have just described—whether it is the change in the rate brackets or the change in the earned income credit—we have tried to meet an important objective. That goal, which I talked about

earlier, is to treat all married couples with the same amount of income equally. It is a principle that is ignored by using a combined return with separate schedules or by using a second earner deduction. With the Senate Finance Committee bill, we do not create a new, so-called ''homemaker penalty.'' Our bill ensures that simply because a family has only one wage earner, it is not treated any differently than a family where both spouses work. Many people have argued that tax policy should not discourage one parent from staying at home and raising the family. It is a laudable goal and one that I support.

How much does this marriage tax penalty relief help? It helps a lot. Over forty million families will get marriage tax relief under this legislation. In my state of Delaware, over 100,000 families will benefit. Every family earning over $10,000 per year will see their tax bill fall at least one percent—except those at high income levels. The key to this legislation is that it helps the middle class. Sixty percent of this bill's tax relief goes to those families making $100,000 or less.

Who are these people? They're two married civil engineers, or a pharmacist who is married to a school teacher. They're the policeman and his wife who runs a small gift shop in Dover. They are the firefighter who is married to a social worker, or a librarian who is married to an accountant. These are the families who will benefit.

And they will benefit even more, as you examine the impact this tax relief will have over time. Consider the effect if these tax savings were put away for their children's education and retirement. If a couple with two children making just $30,000 took their tax savings from this bill and put it into an education savings account like the one recently passed by the Senate, they would have $40,000 for those children's college education. Based on the stock market's historical rate of return, that's $40,000 if they did not set aside another penny! If the family was that of two elementary school teachers with two children and earning average salaries of $70,000 combined, they would have $65,000 after 18 years.

If those two married school teachers then started to put their tax savings from this bill into a ROTH IRA after 18 years, this same couple would have $224,100 when they retired 27 years later.

By transforming these tax savings into personal savings, we see that these real tax savings translate into real opportunities for these families.

And consider the effect on the economy. According to an analysis by the Heritage Foundation, when fully phased-in this marriage tax penalty relief legislation will result in 820,000 additional jobs. It will increase the personal savings rate by three-tenths of a percent, which in turn will lower interest rates. It also increase investment by $20 billion and gross domestic product by $54 billion. So not only do married families gain, not only do their children gain, but the entire country gains. They gain more jobs, better jobs, and higher wages because of this marriage tax relief legislation.

Mr. President, the marriage tax relief legislation I bring to the floor today amounts to just five percent of the total budget surplus over the next five years. It amounts to just 17.6 percent of the non-Social Security surplus over the next five years. It amounts to just 42 percent of the new spending provided for in this year's budget over the next five years. Finally, it amounts to less than half of the tax cut that has been allotted to the Finance Committee for tax cuts over the next five years in this year's budget. By any comparison or estimation, this marriage tax penalty relief is fiscally responsible.

This bill does all these things for America's working families while preserving every cent of Social Security's surplus. These tax cuts do not have to pit America's families against America's seniors. Nor does it extend a tax cut in a fiscally irresponsible manner. These tax cuts fit in this year's budget, along with the other Republican priorities that we have already passed for education, health care, and small businesses. Our priorities add up to what's good for America, and our numbers add up to what's fiscally responsible.

It is time we divorce the marriage penalty from the tax code once and for all. I urge all my colleagues to support the Marriage Tax Penalty Relief Act of 2000.

The PRESIDING OFFICER. The Senator from Montana has 29 minutes.

Mr. BAUCUS. I yield myself such time as I may consume.

The so-called marriage penalty is not a penalty. It is the result of the code. Nobody in Congress decided we were going to penalize married couples by making changes in the Tax Code so that married couples would pay more than two singles would pay with their respective incomes.

It is not a penalty in the sense of anyone ever thought of harming anybody. Rather, this is a consequence of the complexity of the Tax Code. It is a consequence of the mathematical impossibility of trying to do all things for all people. Most Americans want a progressive tax rate so married couples who have the same income, regardless of who earns the income, and how much, are taxed the same; in addition to that, have marriage neutrality so married couples do not have to pay more than singles.

It is impossible to do all three. Therefore, the Congress has to make choices and judgments according to what it thinks makes the most sense.

A little history would be instructive. When the income tax was first enacted, individuals were treated as a taxable unit, regardless of whether they were married or not. If a person had $50,000 in income, he or she paid taxes on that $50,000. If he or she married and that person had zero income, that individual who earned the income would still be treated as the taxable entity and his spouse would not, regardless how much the spouse earned. That was the rule for quite a few years.

The problem arose in community property States when the couples could split the income because whatever the major wage earner earned was community property and therefore could be split. Courts upheld that.

A little later, Congress thought if that was the case in community property States, it should be the case all around the country.

Congress, in 1948, decided couples could split their incomes; that is, if the man earned $70,000 and his wife earned zero, they combined, and they each paid on $35,000. That was the law in 1948. That helped married couples. The trouble was, it hurt singles. In 1969, the disparity was so great, in some cases a single taxpayer could be paying 42 percent more in income taxes than a couple would pay with the same income.

Congress thought that was not right. They came up with different rates—one set of rates for singles and another set of rates for married couples—and set the proportion of about 60 percent so that individuals would not have to pay up to twice as much as what they otherwise would pay. That has been the law ever since, although we have made some changes. In 1981, there was a deduction for the lower earner of a couple, to try to address the marriage penalty; that was changed, and another inequity came with the tax bill passed in 1993.

We are trying to figure out today a solution to be fair to most people. There has been a big demographic shift in our country since 1969. There are a lot more couples who both earn income, many more now than was the case in 1969.

It is important to note that although there is a marriage penalty, there is also a marriage bonus. More married couples receive a bonus when they get married than receive a penalty. It is pretty close. About 51 percent of Americans, because they are married, receive a bonus. Say the husband earns quite a bit more than his spouse, or vice versa; when they get married, they get a bonus. The penalty occurs when both incomes are about the same. Again, more Americans receive a bonus today—not a penalty—as a consequence of getting married.

According to the Congressional Budget Office, $29 billion was incurred by married couples as a penalty and $33 billion was received by married couples as a bonus. That problem has emerged because of the shifting demographic characteristics of our country, with both man and wife now having earned income at equal levels. The more equal the earnings of the spouses, the more likely a marriage penalty will occur.

The proportion of working-age married couples with two earners grew from 48 percent in 1969 to 72 percent in

1995. Also, we have seen a rise in the quality of income of married couples. In 1969, only 17 percent of the households of married couples had both spouses contributing at least one-third to the income of the household, but by 1995 that number increased to 34 percent. In the same period, the percentage of households where one or neither spouse has earnings decreased from 52 percent to 28 percent.

Without these shifts, more married couples would receive marriage bonuses with few marriage penalties. The unintended problem which has emerged is that half of married couples incur this so-called penalty. The question is, what do we do? The Finance Committee bill reported out by the majority of the committee is a good-faith effort to try to address the problem.

It is only fair to point out, there are significant, in my judgment, flaws with the bill that came out of committee. As a consequence, the Democrats will have an alternative which we think addresses a lot of the flaws.

What are the flaws? First, one of the big flaws is it is very complex. It adds additional complexity to the code. We all know the code is complex enough as it is. This adds even more complexity. The standard deduction for married couples is double; the brackets are the 15-percent bracket, the 28-percent bracket, double for marrieds. That is a change in the code. The earned-income tax credit ''phased ins'' and ''phased outs'' are changed from current law. AMT personal credits are exempted in certain areas but not in others. It adds considerable new complexity to the code. I am not saying it is fatal to the proposal reported out by the Finance Committee, but it is a fact it adds additional complexities compared with current law.

Second, I think it is important to point out there are real problems with the amount and size of the proposal. It is fiscally irresponsible. It is going to cost a lot of money at a time when I think most Americans want to pay down the national debt.

When I talk to people around my State of Montana, and I talk to Senators from around the country, they tell me when they talk to their people at home they pose the choice: Do you want to use the surplus that we have, wonderfully, now, in the United States of America to pay down the debt or do you want to use the surplus to lower taxes? I will not say dramatically, but I will say overwhelmingly it is my experience, and I think it is the experience of most Members of the House and Senate when they ask that question, the answer is: Pay down the debt. Americans today would rather pay down the debt.

Why? Because they are innately smart; they have a sense of things. We all trust the good faith and good common sense of the American people. There is a conservative element that says: Here we are in times of great national prosperity. We have big budget surpluses. It probably makes sense to start paying down that $7 trillion national debt. We may not have this opportunity again. We would like to think we will, and we hope we will, but we do not know we will. So first I think people want to pay down the debt.

The proposal now on the floor is quite large. In fact, the costs for more than half the benefits of this bill go to married taxpayers who are already in a bonus situation.

I will state that a different way. More than half of the costs of this bill do not address the marriage penalty problem at all because the lower tax is given to married couples who are already at a bonus situation. They get the bonus because they are married. This bill says: You already have a bonus. We are not going to give you more.

The point, I thought, was to address the penalty situation; to try to correct the problem where people, when they get married, pay more taxes as a couple than they would pay individually. That is the problem we are trying to address. The Finance Committee bill addresses a part of that, but more than half of the cost of that Finance Committee bill does not. It does something else. Even the other portion, which purports to address the marriage penalty, does not totally. There are lots of areas in the code where the marriage penalty would still exist. Where are they? In about 62 parts of the code.

There are 65 provisions in our income Tax Code which today create the so-called inequities causing bonuses for families—65. The majority bill, Finance Committee bill, addresses only three. There are 62 other provisions in the code which cause a marriage penalty which are not addressed by the Finance Committee bill.

What are they? They are things such as the child tax credit, Social Security benefits, savings bonds for education, IRA deductions, student loan interest deductions, and 56 others. The adoption expense credit, for example—there are couples who want to adopt kids. They get married and because of where they might be in the brackets, the progressive rates, they may find themselves paying a penalty because they are married as a consequence of the adoption expenses credit—or perhaps some of the others. So it is a fiscally irresponsible bill. More than half does not address the problem. Rather, it is given to people who already have a bonus—not a penalty but a bonus. The remaining part is skewed. A good part of it does go to address the problem, but in 62 cases inequities, disparities, and penalties still exist.

In addition, about 5 million additional taxpayers will become subject to the alternative income tax as a consequence of the majority bill. I do not think we want that. We have all heard the problems created by the alternative minimum tax, the AMT. It is getting to be more and more of a problem as Americans earn a little more income and therefore they are more likely to be subject to that, the alternative minimum tax, which hits a lot of taxpayers pretty hard. As a consequence of the majority committee bill, about a million American taxpayers will now become subject to the alternative minimum tax.

So what is a better approach? Speaking generally, we think a better approach is to do something very simple. It has the elegance of simplicity—people can understand it—and it is more fair. What is it? Essentially, we say to a married couple: You have your choice. File jointly or file separately. It is your choice. You just do whatever you want to do. Presumably, you will pick the choice that results in a lower income tax for you.

What could be simpler? It is simple to the people of America to explain it to them so they can understand it. It does not add additional complexities that are in the majority bill, but rather it is something very simple. You say to a couple: We don't care what your total income is, we don't care how it is distributed, whether the wife makes 80 percent and the husband 20 percent—it makes no difference. You can have your choice. You file jointly or file separately. Obviously, you file the return that results in the lower income tax.

I might add, this already is the case in many States around the country. There are about 10 States today which have just that, to attempt to address the marriage penalty in just that way. That is optional filing. It is optional to file jointly or you have the option to file separately in the States of Arkansas, Delaware, District of Columbia, Iowa, Kentucky, Mississippi, Missouri, my State of Montana, Tennessee, and Virginia. You see, the mix of States is varied. There are high-income States and some low-income States—that is per capita income. It is geographically dispersed. But 10 States decided, for the sake of simplicity, or whatever the reason, that was what they wanted to do, and we have heard no complaints. It is an approach that works.

The second benefit of the Democratic alternative is this: It addresses all of the marriage penalties—not some of them, all of them. How? By addressing all of the 65 provisions in the Tax Code today which result in marriage bonus/penalty inequity. All of them. You say: How do you do that without additional complexity? It is very simple—because of the effect of optional filing. You just file optionally, individually, calculate your AMT, calculate your child adoption expense, whatever it is, or jointly. And you just choose. That way we address all of them.

I might say, the Democratic alternative is also fiscally responsible. Why do I say that? Because we are focused only on the penalty part. As I mentioned earlier, the majority bill, the Finance Committee bill, gives more than half the benefits to people who already have a bonus, who do not need

the help. They already have a bonus. In effect, more than half this bill is a general tax cut bill. That is fine. But then we should call it what it is, a general tax cut bill more than it is a marriage tax penalty reduction bill. It is a general tax cut. If that is the case, then we should have a debate on the code and what is the best way to lower taxes, to deal with taxes for all Americans. It is truth in labeling. It is what we purport to be doing, and that is focusing only on the marriage tax penalty.

I might also say the minority bill, the Democratic alternative, does not exacerbate the singles penalty, whereas the majority bill does. Don't forget, we have widows, widowers, single people who need tax help, too. The majority bill in particular—but in all fairness, the minority bill, too—does not address singles, widows, and widowers. It basically deals with married people. Think for a moment; if you are married with no kids and you are receiving the so-called marriage bonus, you get a tax cut in the majority bill. On the other hand, if you are a single mom and you have three kids, you get no tax cut. Let me state that again. If you are married and have no kids, you are already receiving the so-called marriage bonus, you get a tax cut under the majority bill. On the other hand, under the majority bill, if you are a single mom and you have three kids, there is no tax cut. I do not think that is fair. I do not think that is fair at all.

That is representative of the inequity of the bill coming out of the Finance Committee. It is not a marriage tax penalty bill; it is a tax cut. If they want a tax cut, then we should have that debate on what the distribution should be, what we should do with the brackets, what incentives do we want to create? What disincentives do we want to address?

The Tax Code is pretty big. There are lots of provisions of the Tax Code that affect people on the corporate side and the income side. If we want to cut taxes, let's see how we want to focus that, how to manage it, and how to tailor it. Let's call this what it really is.

We have other priorities we have to address. The majority bill costs about $248 billion over 10 years. The minority bill is $151 billion over 10 years. The projected on-budget surplus for the next 10 years is close to $900 billion. It is $893 billion.

I will list some of the tax legislation that is pending: This one is $248 billion; the Patients' Bill of Rights will cost about $70 billion; the minimum wage bill in the House is about $122 billion; educational savings is about $22 billion; debt service costs about $100 billion. That means the total of the pending tax legislation is about $566 billion, and what remains is for debt reduction—not very much—and for Social Security and Medicare reform, which is probably not going to be enacted this year.

What about prescription drug benefits? Where does that fit in? What about debt reduction and prescription drugs? There is not very much left.

When we address the marriage tax penalty, I submit we focus on the problem, and the problem is the marriage tax penalty. The problem is not the marriage bonus; it is the marriage tax penalty. If we focus on the problem, we will solve the problem in a more fiscally responsible way. That is clear.

Second, let's make sure the benefits go to those who are facing the problem.

I know as this debate unfolds, some of these points will become more clear, but I urge Senators to think before they leap because this is a fairly complex problem.

I reserve the remainder of my time. I believe neither side has any speakers. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator yields back the remainder of his time.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I am going to speak on the underlying bill. Shortly, I think the majority leader will be in to make a motion on the bill.

First, I wish to compliment Senator ROTH, in his leadership, and the Finance Committee, for reporting out a good bill. It is my hope we will be able to pass this bill in the next couple of days to provide relief from the so-called marriage tax penalty. Married couples need relief. We need to pass it.

I have heard the President say he is for it, although he has not come to the forefront. I think Senator ROTH, chairman of the Finance Committee, has come up with a good proposal. I am going to talk a little about that. But I also compliment my colleague, Senator HUTCHISON, who has been fighting for this for the last several years.

I believe this year we have a chance to make this law. I hope we will have bipartisan cooperation to make it happen. I compliment the House for their leadership in moving forward to make it happen.

The President recently invited many of us down to the White House for the signing of the bill to eliminate the so-called Social Security earnings penalty tax. If you were a working senior between the ages of 65 and 70, and you had an income above $17,000, for every $3 that you earned, you would lose $1 of Social Security. We eliminated that penalty. The President signed it. I am sure he was taking credit for it. I did not make the signing ceremony. He invited me. That was nice.

But we acted together. We eliminated an unfair provision in the Tax Code that for years many of us thought was unfair. We eliminated that. That is now the law of the land.

Now we are looking at another provision, the so-called marriage tax penalty. It needs to be eliminated. It needs to be eliminated now, this year, not 20 years from now, and not in some token way that is only verbal, as the President has proposed.

I believe my colleague, Senator ROTH, and many of us on the Finance Committee, have taken the right step to eliminate this unfair tax.

What we have done is, we have said we should double the 15-percent tax bracket for couples. It should be twice as much for couples as it is for an individual.

Many people say: What do you mean by that? Individuals who have a taxable income of up to $26,000, they pay 15 percent. Above that taxable income, they pay 28 percent. What we are saying is, if it is 15 percent for $26,000 earned by an individual, it should be twice that amount for a couple. So a couple could have income of up to $52,500, and that would be taxed at 15 percent.

What is current law? Current law is, for a couple, the first $43,850 is taxed at 15 percent, and above that amount it is taxed at 28 percent. So there is $8,650 which is actually taxed at 28 percent. What is the difference? That is a difference of $1,125.

If you have a couple making $52,500, the bill we have before us would offer them relief of $1,125. That is just on the rate change.

We also double the standard deduction. Basically, the standard deduction is $7,350. That would increase to $8,800. That is a savings of $218 for a couple in the 15-percent tax bracket.

So again, we are offering tax relief by simplifying the code, saying let's double the 15-percent bracket for couples, as compared to individuals. And let's double the 28-percent bracket so we provide that relief through the code.

I think it is important. I think it is fair. I think it provides relief for married couples, and it also does not penalize someone if they happen to be a stay-at-home spouse. We do not discriminate against them either. Maybe it is a farmer who has a spouse who does not receive earned income in the form of a check but yet they still work. They work on the farm. They work on the ranch. They work raising kids. We provide them a modest amount of tax relief as well.

I think the bill we have before us is a good bill. It is one that provides tax relief for middle-income Americans. It is one that eliminates the marriage penalty for all practical purposes so we don't find discrimination in the code.

I will give a different example. You have a married couple with two differing incomes, where one income is $40,000, maybe one is taxed or has income of $20,000. Let's say the $20,000 is earned by an occasional worker who might work one year but might not work the next year. The practical impact is that $20,000 is added to the $40,000 income, and they are taxed at a higher bracket, the 28 percent, instead of 15 percent.

For that additional work they do under the present code, they are penalized by paying at their spouse's highest tax bracket. That is current law. We want to change that. The bill we have before us does change that.

I compliment Senator ROTH. I urge my colleagues not to play games. Let's make this law. Let's have a signing ceremony at the White House in another couple of weeks. Let's have Democrats and Republicans and even the White House take credit for it. It is a positive change. It is a good change. It is a needed change. It is a change that should become law this year. It is an accomplishment on which all of us can congratulate ourselves and say we got something done: We eliminated the Social Security earnings penalty, and we eliminated the unfair marriage penalty.

Married couples should not be penalized to the tune of $1,400 a year for the fact they are married. That is a fact; that is what is happening under the present law. We should eliminate that. We do that with the bill that is before us today. I urge my colleagues to support it when we come to that time. I hope we will pass it by tomorrow.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. LOTT. Mr. President, I do want to try to be brief because I want Senator HUTCHISON and others to be able to speak.

I have been having some discussions with Senator DASCHLE trying to work out an agreement as to how to proceed on amendments. We are going to continue to do that. We had asked for a list, a description of the amendments they might have in mind. We don't have that yet. I assume it is just a physical problem for right now. We will continue to discuss that and see if there is a way we can come to an agreement that will allow us to vitiate cloture, but we need to go on with the debate.

We have Senators here ready to speak. We have the chairman of the committee here who would like to get on record on this issue. So we could go ahead and have cloture filed so, if necessary, we would have a vote on cloture on Thursday, but we could go ahead then with debate only. While we are doing that, we can continue to have discussions about how we can work out an agreement.

Let me emphasize again, I think we can work out an agreement that would allow for a substitute to be offered, or substitutes for that matter, that are relevant to the marriage tax penalty. I understand these amendments may relate to Medicaid. They may relate to prescription drugs. It may be a complete prescription drug proposal. I don't know how that would be relevant or how we would have time to evaluate that. I fear we are headed off down a trail that is not in line with what I had offered or hoped for. I repeat, substitutes or relevant marriage penalty elimination amendments, we can work that out. I don't want to say what we won't do at this point. I will say we are going to go forward. We will continue to try to work to get a fair agreement.

In the end, this is the point: For 10 years we have talked about the unfairness of the marriage penalty tax. Ever since the Senator from Texas has been in the Senate—now for 6 years—she has been relentless on the subject. So we are going to have a vote on the marriage penalty tax, and we are going to see who is for eliminating it and who is not.

I hope we can do it without getting tangled up in procedural questions. If necessary, we will have a vote on cloture and we will know where we are. I hope we will have the votes on cloture to cut off the filibuster and then move on to the final vote. For now, I want us to make sure we get time this afternoon to have a good debate on this issue, and so I will go ahead and go through this process.

I am still hopeful we can reach agreement on the number of amendments. It could be as many as three or four, it could be six, all dealing with the marriage tax penalty or closely relevant issues. We will keep working on that.

AMENDMENT NO. 3090

(Purpose: To provide a committee amendment)

Mr. LOTT. I now send to the desk an amendment on behalf of the Finance Committee.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ROTH, proposes an amendment numbered 3090.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Marriage Tax Relief Act of 2000''.

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C) for the taxable year'';

(2) by adding ''or'' at the end of subparagraph (B);

(3) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be the applicable percentage of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0.

''(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting ''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking ''AMOUNTS.—The earned'' and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned''; and

(2) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,500.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating

to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,500 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 5. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed for the taxable year by section 55(a).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment (No. 3090) to the marriage tax penalty bill.

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now send a cloture motion to the desk to the pending bill itself.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

Mr. LOTT. Mr. President, this cloture vote, if necessary, if it is not vitiated, would occur then on Thursday of this week at a time that would be announced after consultation with the leaders on both sides. It is, again, my hope that we can work out an agreement that would provide for full debate and discussion of amendments and swift passage of the bill itself. But while these negotiations are going on, I will stay in touch with the minority leader, and we will make sure all Members are notified as to how the proceedings are going.

I ask unanimous consent that the mandatory quorum under rule XXII be waived and the bill be pending for debate only.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the leader has not made a request yet that we be here for debate only on this bill, has he?

Mr. LOTT. I just did.

Mr. REID. Objection is made. I respectfully say to the leader, we believe, very clearly and without any equivocation, it is time we started acting like the Senate, started debating bills. We will in good faith for the majority leader try to come up with a list of amendments we believe should be offered. We will try to do that. In the meantime, we want to start off on amendments to this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. 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. LOTT. 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. LOTT. Mr. President, ordinarily when we file cloture, at the end of that proceeding we ask for the mandatory quorum under rule XXII to be waived and the bill be pending for debate only so that we make use of the time to begin debating the substance of the bill or the alternatives. That has been objected to.

As an alternative, so we can make use of the time we have this afternoon—surely we can spend another hour and a half or so allowing Senators to discuss their positions on the marriage penalty or any other issue—I proposed that we go into a period for the transaction of morning business.

I am told there may be objection to that, which kind of surprises me—that we will not even allow morning business to go forward so Senators can speak.

You talk about the Senate. The way the Senate works is Senators get to speak when they need to and want to on any subject certainly in morning business.

But it was suggested, since that apparently was going to be objected to, that maybe we were ready to go forward with debate on the bill and debate on the Moynihan substitute, or one of the Democratic substitutes, and that maybe you are ready to go with that.

In an effort to be fair and get the debate to go forward, and to address one of the issues that certainly is a legitimate one—Senator MOYNIHAN, and probably Senator BAUCUS, offered this in the Finance Committee, and we talked about it, had votes on it—so we can go ahead and engage the discussion about what is the best way to deal with the marriage penalty tax, this is a different way of doing it, and I think it merits being addressed by the Senators.

I ask unanimous consent that the bill be open for one amendment, the so-called Democratic alternative by Senator MOYNIHAN, Senator BAUCUS, or their designee, with no other amendments or motions to commit or recommit being in order.

Mr. REID. Mr. President, reserving the right to object, I say to my friend, for whom I have the greatest respect, the majority leader, that this isn't really senatorial activity. This is make-believe senatorial activity. We are not really being Senators. My friend, the majority leader, is treating us as if we are in the House and he is the Rules Committee—the one-man Rules Committee. He is now being so generous to us that he is saying we can offer one amendment, and he designates what the amendment is. We, the minority, believe that we have rights that have been developed in this body for over 200 years, and we are tired of playing make-believe Senators.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, since objection is heard, I want to make sure people understand this didn't in any way foreclose any other agreement that might be involved with making other amendments in order and having amendments considered. I presume there will be other amendments that are relevant on the marriage tax penalty provision—I assume on the Democratic side and perhaps on this side, also. This doesn't foreclose any agreement. All I am trying to do is to facilitate the debate and discussion on this very important piece of legislation.

There was an indication from the Democratic side that you were interested in going forward with your

amendment or amendments, and the one that was clearly identifiable is the one that had been offered in the Finance Committee as an alternative on how to proceed. I certainly don't feel as if that is foreclosing any Senators the opportunity to be heard and to offer amendments. But objection has been heard.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. LOTT. I would be happy to yield, but let me finish this.

I offered to have a period for the transaction of morning business with Senators to talk about any subject they chose. It could be the gas tax bill. It could be the budget resolution. It could be stock options. It could be anything. That has been objected to, which I find highly unusual.

Then I offered, to try to accommodate what I thought may be a way to get the debate started and some progress to be made, to go with the Democratic alternative.

Again, in terms of one-man action here, all I am trying to do is to get debate on this very important issue, the marriage penalty tax.

Does the Senate want to have a debate and vote on that or not? We have been talking about it for years. Now we are up to the point where we would like to go forward. We haven't been able to get a list of amendments or enter into an agreement. But I am still hopeful we will be able to get a list of amendments and agree to proceed. But I was trying to go ahead and protect our rights to file cloture, if it is needed, on Thursday. That is being objected to.

Does Senator DORGAN wish me to yield?

Mr. DORGAN. Obviously, Senator DASCHLE would like to propound a question.

Mr. LOTT. I would be glad to yield to Senator DASCHLE.

Mr. DASCHLE. Mr. President, let me say that I talked briefly to the majority leader about an hour or so ago. He made the request at that time for a list of our amendments. I must say I want to accommodate the majority leader. But here we are on a bill of some consequence, a bill that has not yet had any time for debate on the Senate floor. It was the subject of good consideration and discussion in the committee. But now, on the very first day, we are on this bill on the Senate floor and cloture has been filed. We don't object to proceeding to the bill. That was done by unanimous consent. But now the majority leader has chosen already to file cloture on the bill. I remind my colleagues that filing cloture is to end the debate. Once again, for the second time in the same day, we are ending debate before it even begins.

We don't want to hold up a good debate and a good discussion with some other ideas with regard to how to proceed on the marriage tax penalty. We can do that. But a good debate entails offering alternatives, other ideas, and other suggestions.

All we are simply saying is, why don't we have the opportunity to offer some amendment? Let's lay down the amendments. Let's get on with it. But what the majority seems to be saying is we will not have the debate at all. We will move on to morning business, if we can't have a list of amendments defined and specified prior to the time the debate even begins.

I am sure the majority leader can empathize with our frustration at being given yet another situation where we do not have the opportunity to have that debate, and we are closing the debate before it even starts.

I will work with the majority leader. We will see if we can't come up with a list. We want to pass marriage penalty reduction, but we think we can do it in ways that aren't as costly and that could be a lot more focused. We will deal with that.

But I am disappointed, frankly, that we aren't able to offer amendments. That is why the objection is made to the request made by the majority leader.

I thank the leader.

Mr. LOTT. Mr. President, I know Senator DASCHLE wasn't on the floor. I was hoping we could maybe mark a little time until he got here. He may not be aware that we asked when we filed the cloture that the mandatory quorum under the rule be waived and the bill be pending for debate only. And there was objection to that.

Then I suggested a period for the transaction of morning business because there are Senators who may want to speak on this or any other subject. That was objected to.

Then I suggested we go to the Democratic substitute offered by Senator MOYNIHAN and others and begin debate on that, which I thought was a good usage of time; It didn't foreclose other amendments being offered or agreed to at a later point.

Perhaps others in his stead were trying to make a point. But my point is that I want us to have time for debate. I want us to use this afternoon and tomorrow. For those who may not be aware, when I file cloture, all I am doing is protecting our right to have a vote on ending the filibuster, which doesn't ripen for 2 days. We could and would be having debate this afternoon and all day Wednesday. If we work out an agreement on a list of amendments, we could vitiate that at any time.

I note we have already done that several times this year. In fact, in the first of the year we vitiated the cloture I had filed on the education savings account legislation, as I recall. Several times we have done it as a protection to make sure we get a vote before the week's end. But we wound up working something out and thought we didn't need to do it. I am hoping that is what will happen here.

But also, if I don't do it now this afternoon, since we haven't gotten a list of the amendments, this is not a surprise. It has been around a long time. Everybody knew the marriage tax penalty would be coming up this week. The Finance Committee marked it up a couple weeks ago.

Any Member who had or has amendments probably had an idea of what they wanted to do. We have not asked to be given the final amendment, but to be given at least some descriptive paragraph as to what the amendments might do before we enter into an agreement.

If I didn't file cloture and we went out of session Thursday night, if we completed our business, completed the stock options bill and completed the budget resolution conference report and went out Thursday night, if I didn't file cloture now but waited until tomorrow, if we couldn't reach an agreement, then the marriage penalty issue would not have come up until after the recess.

I worked on my income tax last night and I am not in a happy mood about taxes. I know a lot of other people, coming up on April 15, would like to know the marriage tax penalty at last will be coming to an end in whatever form, either by a formula developed by the Finance Committee majority, Senator MOYNIHAN, or others.

I emphasize for those who may not be aware of all the Senate rules, we have to file cloture now to be assured to have a vote on that by Thursday. I will work with Senator DASCHLE. We have worked out some pretty thorny issues and some knots in the past that looked as if they were unsolvable and we were able to agree and move to a final conclusion. I hope we can do that.

We do not want to get far afield and start debating Medicaid issues, Medicaid reforms, which the Finance Committee has never considered—or somebody suggested a complete prescription drug package—without overall Medicare reform and without looking at the details of that package. I understand it may be a pretty detailed package, but the amendment may not be ready. How can we possibly agree to an amendment when we are not even sure of its structure, let alone what the details are. Maybe by tomorrow that amendment will be available and we can take a look at it and other amendments and maybe come to an agreement to get to a conclusion sometime tomorrow during the day, tomorrow night, or Thursday.

Senator HUTCHISON has been very patiently waiting. She has put a lot into this. I yield for a question or comment.

Mrs. HUTCHISON. Mr. President, I ask the majority leader to yield for a question.

I am confused. It appears the distinguished deputy minority leader suggested you were not conducting the Senate like the Senate. Yet you have offered to go forward on the bill, you have offered to have the Democratic amendment that is a substitute come forward, and you have offered to go into morning business so that no one is obligated.

The alternative, it seems to me, is to shut down the Senate entirely. I don't think that is conducting the business of the Senate as the Senate should be conducted.

I ask the distinguished leader, does it appear that the distinguished group from the minority doesn't want to debate the marriage tax penalty at all and would prefer to shut down the Senate rather than talk about this very important tax correction for the hard-working people of this country?

Mr. LOTT. If we can't get an agreement to have consideration of amendments or to have general debate or to have a morning business opportunity, the only other option I have now is to move to close the Senate for the day.

I hope we can find some way to work that out.

Mr. REID. If I could respond to my friend from Texas, I think maybe we have watched the Senate operate the way it is not supposed to for so long, we think the way it has operated the past year is the way it is supposed to operate. The way the Senate is supposed to operate is when bringing a piece of legislation to the floor, it is open for debate and amendment—not morning business, not debate only.

We have the opportunity under the Standing Rules of the Senate to offer amendments to pieces of legislation. That is all we are asking. We have been here for some time. This session of Congress is about over. We have had two opportunities to offer amendments to pieces of legislation, two amendments that were agreed upon by our distinguished majority leader, and also the ad hoc chairman of the Rules Committee in the Senate.

I think it is time we have legislation brought to this floor and we treat it the way the Senate has always treated it for 200-plus years.

Mr. LOTT. Mr. President, if I could respond to Senator REID's comments and will yield further to Senator HUTCHISON, I believe just last week we had the budget resolution, and we had well over 100 amendments. Some of them were voted on, some of them were accepted, some of them were voted on in the vote-arama. A number of them didn't relate to the budget for the year. Everything imaginable was thrown in. I don't think Senators have felt as if they haven't had a chance to offer amendments on any kind of extraneous matter.

This issue of the marriage tax penalty is clear and understandable: Are Members for it or against it?

I fear my colleagues on the Democratic side are trying to change the subject. I cannot believe they don't want to eliminate the marriage tax penalty. Let's have a full debate, let's have amendments on the marriage penalty. But to get off into every other possible issue as a way to try to distract attention from doing what the American people support overwhelmingly, I don't understand that.

I think what we are trying to do makes good, common sense. Let's have a full debate on the issue. Let's have relevant amendments. There are a lot of amendments that could be construed as being relevant.

I remember the Democrats came up with a way to offer a gun amendment to the education savings account, as I recall. They went way around the corner to get it done, but we had a vote on it, and we moved on.

Senator HUTCHISON wants to comment or ask a question.

Mrs. HUTCHISON. I was going to ask the distinguished leader if the comments made are correct that he has approved every amendment that came forward. It seems to me we have voted on a number of amendments that wouldn't have been the choice of the majority leader, but the majority leader has tried to accommodate the minority. I can't think of anything we haven't voted on this year. Frankly, I can't think of one issue that we haven't addressed, whether we wanted to or not.

The idea being put forward that somehow the majority leader is running the Senate as if it is under his control, I think, is so far out of bounds it is almost laughable. I hope we could at least have morning business to talk about whatever issues Members want to discuss.

I want to talk about the marriage tax penalty. My distinguished colleague from Illinois wants to talk about organ transplants. I can't imagine why the distinguished minority would object to morning business so Members from his side and Members from our side could talk until, hopefully, the majority and minority leader are able to come to an agreement on some kind of reasonable timetable so we can enact marriage tax penalty relief for the 21 million American couples who pay a penalty, who are going to be writing their checks to the U.S. Government this week, realizing they are paying $800, $1,000, $1,400 or more just because they are married and because the Tax Code clearly has an inequity that we have the ability to address.

We can have legitimate disagreements on this issue. If we are going to have irrelevant amendments, I ask the American people to look at the issue for what it is. Let Members debate, let Members talk about our differences on the issue. I hope the distinguished minority won't shut down the Senate.

Mr. LOTT. I thank the Senator for her comments.

Let me add, perhaps it is just that Senator DASCHLE and the Democrats need more time to work on amendments and to get to our side some description of the amendments. Maybe we can go ahead and go out tonight. That way, we have the rest of the evening and the night to work on amendments and pick up again tomorrow.

I am trying to find a way to keep the discussion going. We could use another hour or so to debate this or other issues.

If we can think of a way to do that, I am open to considering other options.

I indicated to Senator DORGAN I would yield to him.

Mr. DORGAN. I appreciate the majority leader yielding. I want to make an observation with the question: As I understand, the majority leader has sent to the desk two cloture motions, one on the underlying bill and one on the substitute, for purposes, as he described, to shut off a filibuster which I suggest does not exist. That is all right. That is within the rules. We have all read the rule book in the Senate.

Circumstances in the Senate should exist in the following manner. You bring a piece of legislation to the floor of the Senate. Every Senator here has a desk. You come here and you have certain rights and certain opportunities. One of those is to offer an amendment to legislation brought before the Senate. As I understand the Senator from Mississippi, he is saying he wants to see amendments Senators are going to offer. He would like to see them before he makes a judgment about whether in fact they will be allowed to be offered.

I say the reason there is a substantial amount of anxiety building up in this Senate is that people were not elected from various States to say: Go and do your thing in the Senate under the rules, and, by the way, we would like the majority leader to decide which amendments you offer shall be in order.

Mr. LOTT. Mr. President, if I could respond to that particular point, it is a common practice around here, as I am sure the Senator knows, to give the courtesy of identifying what amendments we have and even the amendments. We are not asking to see the amendments. We are asking to have some idea of the general parameters of what is being proposed.

I do not believe that is asking too much. We do that for each other. Senator DASCHLE wants to see what we want to offer, and we want to see what you want to offer. That is a common practice around here.

Mr. DORGAN. Except, if the majority leader will yield further, that is not what you are trying to do. What you have indicated is you want to limit the amendments. It is not a case of being curious to see what we are going to offer. This goes on bill after bill after bill that is brought to the Senate. You want to limit the amendments.

My point is this. When we deal with legislation on the floor of the Senate, everyone here has a right, it seems to me, to come and offer amendments and have a debate on them. You have just filed two cloture motions to shut off debate on a filibuster that doesn't exist. This happens time and time again, and we are getting tired of it.

Mr. LOTT. I can understand the Senator's frustration. Also, I am sure he can understand that, as the majority leader, I have to pay attention to the schedule, the time that is available,

and the fact that there are, I think, an overwhelming number of Americans—and Senators—who would like to get this marriage tax penalty removed from the Tax Code.

This is the week we can do it. When we come back, we will have other important issues to deal with: The agriculture sanctions issue; we have the Elementary and Secondary Education Act; we have appropriations bills; we have the China permanent trade status—we have a long list of things we need to try to do. We have not said it has to be three or six, but we are saying we would like to see what we are talking about.

Mr. DORGAN. Might I make a suggestion then?

Mr. LOTT. What is really at stake is, once again, we want to get the marriage tax penalty eliminated. We can talk schedules, procedures, rules, quorums, and all the other stuff into which the Senate gets caught.

On occasion, I hear from my mother. She says: You know, what is all that stuff you all talk about up there, all those rules and all the extraneous things? Get to the point.

The point is, we want to get rid of the marriage tax penalty. Let's see if we can find a way to do that this week.

Mr. DORGAN. Might I offer a suggestion, briefly? Discussion earlier was, by Senator REID: Why do we not just have it open for amendment? The leader objected to that. You did not want that to happen. Why don't we proceed and have it open for amendments and proceed on that basis?

Mr. LOTT. Can we get agreement we can proceed on the bill and all relevant amendments to that bill? To the American people, and I think to most Senators, that makes good sense, to have the requirement that it be relevant to a marriage tax penalty. Again, I have not said we could not go with something that moves afield from that. All I am saying is we would like to see what we are talking about and know it is fair, we have thought it out, and the committee of jurisdiction has had an opportunity to review it.

So that is what I am trying to work out. Senator DASCHLE has been patiently waiting while we have exchanged pleasantries. I must say this. I, a little bit, kind of enjoy finding someone else getting frustrated trying to find a way to make this move forward. I know how you feel.

I yield.

Mr. DASCHLE. Mr. President, one thing we all agree is we want to resolve the problem of the marriage tax penalty. I think that is unanimous. Republicans and Democrats want to find a way to end the marriage tax penalty.

I think there is also a possibility we can reach agreement on how to proceed on this bill. We are not going to do it today under the confines that have been laid down. I think the majority leader's suggestion we go out now is appropriate. Let's go back, try to define the list, let's share lists, let's look at what we have, let's see if we cannot resolve this procedurally first thing in the morning, and we will go from there.

I share the frustration expressed by my colleague. We are not going to resolve this matter this afternoon. In the interests of expediting this bill, and in consideration of the debate, why don't we just go out and pick it up first thing tomorrow.

Mr. LOTT addressed the Chair.

Mr. REID. Will the leader yield for a brief comment? I can't pass this up. The example my friend, the majority leader, used is the budget bill where we had all these amendments. I say, first of all, that is not substantive in nature. The President has no right to veto that bill. The amendments are basically set by statute. So that is not a good example.

I think you would have to hunt hard to find another example.

Mr. LOTT. Mr. President, I just remind my colleagues, tomorrow is Wednesday and the next day is Thursday. If we do not get the marriage tax penalty done in those 2 days, then it will be pending until after tax day, April 15, when we come back. That may be all right.

Let me say we are going to eliminate the marriage tax penalty this year. We are going to do it on this day, and this week, or we will do it later and we will do it with another procedure. We have talked about getting this done too long and haven't gotten it done. So we are going to come back to this one repeatedly this year. But it would be, I think, very helpful to the people involved and to all of us if we could find a way to go ahead and do it this way.

ORDERS FOR WEDNESDAY, APRIL 12, 2000

Mr. LOTT. With that, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to the hour of 9:30 a.m. on Wednesday, April 12, 2000. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 12 noon, with Senators permitted to speak up to 5 minutes, with the following exceptions:

Senators ROBERTS and CLELAND in control of up to 2 hours, from 9:30 to 11:30 a.m. I will note, that is a request from these two Senators, one a Republican and one a Democrat, that will take a major portion of the morning on a very important national security discussion, so half of the day tomorrow will go for that request which has been pending for at least a week;

Senator HAGEL for 15 minutes;

Senators CRAIG and GRAMS for 15 minutes total;

Senator HUTCHINSON for 10 minutes.

I further ask unanimous consent that following morning business, the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Tomorrow morning, there will be a period of morning business until noon. It is my hope we can reach agreement for the consideration of this very important marriage tax penalty issue.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

Mr. REID. Mr. President, if I could understand, what was the last part of the unanimous consent request? What would these Senators be doing?

Mr. LOTT. Senators HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. KYL. Mr. President, I appreciate the members of the minority allowing me to speak for a moment on this important piece of legislation. It is legislation I cosponsored when Congress convened earlier last year. It was KAY BAILEY HUTCHISON's bill to repeal the marriage tax penalty. Since that time, the legislation has been adopted to provide for an essential repeal for most Americans. That is the pending business before us. I have supported similar measures ever since I came to the Senate in 1995, and I am very pleased the majority leader has attempted to schedule a vote on this prior to tax day.

As we have just seen, it may not be possible for the Senate to actually vote on repealing the marriage tax penalty prior to tax day, but it would certainly be our hope that that could be accomplished immediately thereafter, if not before.

This will be the third time in 5 years we have acted to mitigate the marriage tax penalty. In 1995, Congress passed legislation that would have provided a tax credit to married couples to partially offset this penalty. President Clinton vetoed that bill. In 1999, Congress again approved a measure to provide married couples with some relief.

Last year's bill would have set the standard deduction for couples at twice the deduction allowed for singles. It also would have set the lowest income tax bracket for married couples at twice that allowed for single taxpayers. Again, President Clinton vetoed that last September.

According to the nonpartisan Tax Foundation, the total tax burden borne by American taxpayers dipped slightly in 1998. That is the good news. The bad news is Americans still spent more on Federal taxes than on any of the other major items in their household budget. For the median-income two-earner family, for example, Federal taxes still amounted to 39 percent of the family budget, more than what they spent on food, housing, and medical care combined. One of the reasons why they paid so much is the continuation of the marriage tax penalty that exists in the Nation's Tax Code.

According to the Congressional Budget Office, nearly half of all married taxpayers—about 21 million couples—filing a joint return paid a higher tax than they would have if each spouse had been allowed to file as a single taxpayer.

The marriage tax penalty hits the working poor particularly hard. Two-earner families making less than $20,000 often must devote a full 8 percent of their income to pay the marriage tax penalty. Eight percent is an extraordinary amount for couples who count on every dollar to make ends meet.

I will give an example of the marriage tax penalty at work. In this example, the penalty comes about because workers filing as single taxpayers get a higher standard deduction and because income tax bracket thresholds for married couples are lower than the thresholds for singles. Consider a married couple with each spouse earning about $30,000 a year. They would have paid $7,655 in Federal income taxes last year. By comparison, two individuals earning the same amount but filing a joint return would have paid $6,892 between the two of them. That is a marriage tax penalty of $763, about a 10-percent penalty simply for being married.

The average penalty paid by couples is even higher than that—about $1,400 a year, according to the Congressional Budget Office. Think what families could do with an extra $1,400. They could pay for 3 or 4 months of day care if they chose to send a child outside the home, or make it easier for one parent to stay at home and take care of the children if that is what they decide is best for them. They could make four or five payments on a car or minivan. They could pay their utility bill for 9 months.

The bill reported by the Finance Committee is the most comprehensive effort yet to eliminate the marriage penalty. It will increase the standard for couples filing jointly to twice the deduction allowed for single taxpayers. It will widen the 15-percent and 28-percent tax brackets. It will allow more low-income married couples to qualify for the earned-income credit and preserve the family tax credits that are currently phased out by the alternative minimum tax.

Unlike President Clinton's so-called relief bill, the plan Chairman ROTH brings to us today does not neglect married couples who choose to have one parent stay at home to raise their children. It gives them relief and, in so doing, it let's them know we value the choice they have made to stay home and raise a family.

Unlike the Clinton plan, which would preserve the penalty for many couples, our plan would eliminate the marriage tax penalty in its entirety. Sure, that means revenue loss associated with this legislation is greater than the President proposed, but the smaller cost of providing relief under the Clinton plan is also indicative of just how little it would do to solve the problem. We should not be stingy when attempting to ensure fairness in the Tax Code.

Passage of this legislation will continue the good progress we have made this year in making the Tax Code fairer. First, we passed the measure to repeal the Social Security earnings limitation, a tax that has unfairly penalized seniors for more than 60 years simply because they wanted to earn extra income to supplement their monthly retirement checks. The measure is now law.

Hopefully, the marriage tax penalty repeal bill will pass with a strong bipartisan majority, and President Clinton will rethink his opposition and sign it when it reaches his desk.

Another thing we can do to make the Tax Code fairer is eliminate the death tax. Although most Americans will probably never pay the death tax, overwhelming majorities still sense there is something terribly wrong with a system that allows Washington to seize more than half of whatever is left after someone dies—a system that prevents hard-working Americans from passing the bulk of their nest eggs to their children or grandchildren.

We can debate the merits of any number of changes in the Tax Code—whether a flat tax is preferable to a sales tax; whether tax rates should be reduced across the board; or whether we should make the Tax Code more conducive to savings and investment. There are legitimate points to be made on all sides. But when it comes to fairness, we need to do what is right. The marriage tax penalty, as the earnings limit and the death tax, is wrong; it is unfair; and it is time to put it to rest.

I thank Senator KAY BAILEY HUTCHISON from Texas for her hard work. I thank Chairman ROTH for bringing it forward. I appreciate the work of the majority leader in getting this matter before the Senate for a vote so we can finally end the marriage tax penalty.

I again thank Senator HUTCHISON for deferring to me for my remarks.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Arizona for making a wonderful statement about the importance of the marriage tax penalty and tax relief in general for the hard-working people of our country. He is absolutely right; people are paying a higher rate of tax than they have ever paid in peacetime.

I am concerned that there seems to be a problem with taking up this bill and debating amendments. I am very concerned about what appears to be an effort to not take up this bill and have relevant amendments considered.

We are going to disagree on the merits of the marriage tax penalty. I hope we come to a conclusion that will significantly lower the marriage tax penalty for most of the 21 million American couples who now pay that penalty just because they are married.

I hope the distinguished minority will allow us to go forward with the debate. I hope my colleagues will allow us to talk about our differences on this issue.

I want to be clear; the questions we have just heard in the last hour appear to be related to offering amendments which are not relevant to the marriage tax penalty and could, in fact, kill the marriage tax penalty bill. If it is the Democrats' strategy to kill the marriage tax penalty bill for 21 million Americans in the name of other amendments they want to offer that are not relevant, I hope they will think about that.

We all want to address Medicare and prescription drugs. We have addressed minimum wage. There are many issues on which we can disagree, but I hope we can all agree that those are not relevant to the marriage tax penalty, and that we will not let our disagreements on issues such as minimum wage or the way we want to provide prescription drugs to interfere with a very simple concept, a very clean bill that gives marriage tax penalty relief to 21 million American couples, which is exactly what the bill before us does.

In the Finance Committee, Republicans and Democrats of good will debated the marriage tax penalty. They passed a bill out of their committee, and it deals with the marriage tax penalty. It did not deal with extraneous issues because, in fact, the President asked us to send specific bills to him so that he could make his decision on what he would sign and what he would not, one tax cut at a time.

We will be able to test the President and his commitment to giving marriage tax penalty relief. We sent him marriage tax penalty relief last year. We sent significant marriage tax penalty relief to the President last year, and the President vetoed the bill.

The President said: Oh, you have the marriage tax penalty relief in conjunction with all these other tax cuts. We had across-the-board tax rate cuts that

would have helped every American paying taxes. We had significant cuts in the inheritance tax. We had other tax cuts for small businesspeople. The President said: That is too much. In fact, I think he said it was reckless to give people that much of the money they earned back to them. I believe he said it was reckless.

The President said: Give me smaller tax cuts. So that is exactly what we are doing. We are trying to give him a significant cut in the marriage tax penalty. We are trying to say to the President: We want marriage tax penalty relief. You have said you are for it. We are going to send you a bill that includes marriage tax penalty relief, that deals just with marriage tax penalty relief.

I would think the Senate would be able to come to an agreement on a marriage tax penalty bill—with relevant amendments of any type—and go forward to discuss our differences on the merits on marriage tax penalty relief.

That is what the majority leader offered the Democratic minority. He offered them the ability to have relevant amendments and disagreements on the merits of this bill. That is fair. We all understand that. We have a little different approach on marriage tax penalty relief. We can debate those issues—if we have the chance. But it seems the Democrats do not want us to have that chance. It seems they do not want to be required to have relevant amendments so we can discuss this and give it to the President to sign.

I hope it is not the Democrats' view that we should put this off. I hope they are not going to require that we not pass marriage tax penalty relief this week before we go into recess for a week to spend Easter with our families. I certainly hope that is not the result we are going to see here. I hope the result will be reached of a good marriage tax penalty relief bill before we leave for a week of recess over the Easter holiday. I think we owe that to the people of this country.

I have received some mail from my constituents.

Mr. BROWNBACK. Mr. President, I wonder if the distinguished Senator from Texas will allow me to ask a question of her.

Mrs. HUTCHISON. I would be happy to answer a question from the Senator from Kansas who, by the way, has been one of the leaders in seeking marriage tax penalty relief. He is a cosponsor of the bill before us today, along with myself. He was a cosponsor of the bill we sent to the President last year. He has talked on the floor about this issue perhaps more than any one of us.

I would be happy to answer a question by the Senator from Kansas.

Mr. BROWNBACK. I thank my distinguished colleague from Texas.

My question simply deals with an issue I have been raising now for 3 weeks on this floor, saying that when we get to the time of being able to actually pass marriage tax penalty relief—and we are there, and it is on the floor—let us not have a bunch of extraneous amendments that are irrelevant to the issue, that do not pertain to the issue of the marriage tax penalty. For 3 weeks I have been coming to the floor saying, let's not get to that point in time or let's not have the great Democratic Party saying, we are for marriage penalty relief, and then block us with other nongermane amendments.

My simple question to the Senator from Texas is, it appears from what she is describing now, we are actually at that point where we could pass marriage tax penalty relief before April 15, and we are being blocked by nongermane amendments of the Democratic Party. Is that the correct situation we are actually in now?

Mrs. HUTCHISON. I would just say, the distinguished Senator from Kansas is making a very good point. He has raised this point for the last 3 weeks. That is, are the Democrats going to block consideration of a real marriage tax penalty relief bill by requiring that extraneous amendments that have nothing to do with marriage tax penalty relief be offered as a condition for bringing this bill to the floor? I think the distinguished Senator from Kansas is exactly right.

I have to stand up for my majority leader. I am so proud of our majority leader for standing on the floor and offering the Democrats every single option that would keep this floor open for debate. He offered them the option of going forward on their prime amendment. He offered them the option of offering any relevant amendment. He offered them the option of just having morning business so that anyone can come to the Senate floor and talk about their issues of concern. That is exactly what our majority leader did. He did exactly what he should be doing to move the business of the Senate along.

I have to say, in response to the Senator from Kansas, I think it is very important it be known that the majority leader has allowed any amendment to come before the Senate. Just last week, on the budget, many of us had amendments that were knocked off—just knocked off the budget—by an objection from a distinguished Member on the Democratic side because he did not want to vote on those amendments en bloc. There were many amendments from both sides of the aisle that were just knocked off.

The distinguished majority leader did not do that. He allowed them all to come in. I think he has been the most open he could possibly be in allowing every single amendment of every possible conception to be offered on many of the bills we have had before us this year and, most recently, last week on the budget bill. We have taken a position on every single controversial issue that has been brought up in our country since the session started in January.

The distinguished majority leader today is asking that we be able to debate marriage tax penalty relief, with any number of amendments that are relevant, because the distinguished majority leader believes we can have differences in approach.

We passed a marriage tax penalty relief bill last year to which we all agreed. It was overwhelmingly passed. We sent it to the President, and it was vetoed. The President said: The tax cut is too much. We don't want to give that much money back to the people who worked so hard for it. Send me something smaller.

That is exactly what the Finance Committee is doing. The Finance Committee voted a bill out—smaller, but it does give relief to every single married person in this country. It gives total relief to people in the 15-percent bracket and the 28-percent bracket. It increases the earned-income tax credit for the poorest working people in our country. That is what the bill does. So why wouldn't we be able to take the bill to the floor and debate it?

I think the Senator from Kansas is on to something. The Senator from Kansas is saying, why would the Democrats want to kill marriage tax penalty relief with extraneous amendments?

We have had sense of the Senates.

Mr. BROWNBACK. Mr. President, I wonder if my distinguished colleague from Texas would yield for another question.

Mrs. HUTCHISON. I am happy to yield to the distinguished Senator from Kansas for a question.

Mr. BROWNBACK. I thank my colleague from Texas. I appreciate her leadership and the work she has done on this particular issue.

I guess what is troubling to me about the issues that are being raised now on the floor is that we actually have a chance to get this done. It is not a sense-of-the-Senate resolution. This isn't a policy statement by any of the various parties. This is an actual chance for us to pass the bill.

The bill has cleared through the House. We could pass it in the Senate. We could get it to the President. The President has said he wants to be able to have a smaller tax cut. Here is one that would deal with the marital tax penalty.

We are getting it blocked. It seems to me the President ought to step in now and call on the Democrat Members of the Senate to say, no, let's let this bill clear on through. This is similar to the disaster relief issue. I remember a couple years ago—my colleague might—we had a supplemental bill come through and people wanted to have some budget constraints in that bill. There was an emergency need for that supplemental, some disaster relief; some flooding was taking place. The Democratic Party said: We have to have this supplemental for this emergency relief and really hammered on a lot of people about that issue until we passed it so that people could get disaster relief.

And we should have given that disaster relief.

Here you have virtually the same situation. We have a chance to actually do it—no more sense of the Senate; no more talking about it; no more just saying we ought to do it. With this bill we do it. We are actually being blocked by a parliamentary maneuver on the Democrat side of the aisle.

I hope the President will enter into this debate and call on Democrat colleagues of ours to say, no, let's have a vote. Let's debate the different sides of this issue of marriage tax penalty relief. There are different policy ways to handle it. Let's have that good debate, but don't tie it up with endless amendments or with what is taking place now, where we are virtually shutting the floor down because we can't get agreement. This is too important to play that sort of politics.

I hope my Democrat colleagues are actually for eliminating the marriage tax penalty. Let us have a spirited debate about their different ideas. I appreciate my colleague from Texas carrying this issue forward. We have to deal with this now. Ahead of the April 15 deadline would be the time to do it. This is the point in time to do it. People filling out their forms are seeing the marriage tax penalty they are paying. Let's tell them hope is on the way; we will be able to get this dealt with.

I appreciate my colleague doing this. I hope we can get the President involved in calling some of our Democrat colleagues to say, let's pass a bill and let's look at this issue on the merits. I know my colleague from Texas will continue to press that issue on the floor and everywhere else she can.

Mrs. HUTCHISON. I thank the Senator from Kansas for making a very good point. He is saying maybe now it is time for the President to step in and show his commitment on this issue. Maybe he can work with the distinguished Democratic minority in saying, I think this is something we ought to do, such as an emergency.

I guarantee Kervin and Marsha Johnson believe it is an emergency, as they are filling out their tax forms this week. Kervin is a D.C. police officer. His wife is a Federal employee. They were married last July. This year they will pay $1,000 more in taxes because they got married 7 months ago.

I guarantee that Eric and Ayla Hemeon believe this is an emergency. Eric is a volunteer firefighter and works for a printing company. Ayla works for a small business. They have been married for 2 years and are expecting their first child in about a month. Last year they paid almost $1,100 in a marriage tax penalty just because they got married and that they would not have paid if they were single. They are filling out their tax forms right now, and they would like to see the Congress give them relief from paying that $1,100 next year so they can buy something for their new baby.

Lawrence and Brendalyn Garrison believe this is an emergency. He is a corrections officer at Lorton prison. She is a teacher in Fairfax County, VA. Last year we estimate they paid nearly $600 in a marriage tax penalty. They are really upset about it. When I talked to them last week, they said: We have been married 25 years and we think you should pass marriage tax penalty relief and make it retroactive.

I think they have a good point. They have been paying the penalty for 25 years. This is an error in the Tax Code that must be corrected.

Jerri Dahl of Arlington, TX, believes this is an emergency. He wrote me a letter and said:

> It is tax time again, and I am not going to let it go by without attempting to do something about what I feel is a terrible injustice to working people. I am not joking when I tell you that my husband and I are seriously contemplating divorce in order not to be penalized financially next year.

I think we have a number of people in this country who believe this is an emergency, who, as they are writing the check to the Government, believe the Senate should act on a bill that would give them relief from a payment they should not have to make. Most people in our country believe they owe a fair share of taxes to the Government. They love this country and they want to do their part, but most people don't want to do more than they think is fair. When a single person in an office is sitting next to a married person in an office and they have the same job and make the same salary and the married person has to pay more in taxes than the single person sitting at the next desk making the same salary, that doesn't pass the test of fairness.

I commend the majority leader for attempting to bring this bill to the floor. I commend my colleague, the Senator from Kansas, the Senator from Missouri, Mr. ASHCROFT, the Senator from Michigan, Mr. ABRAHAM, and the Senator from Delaware, Mr. ROTH. They have been working on this legislation for a long time. Senator ROTH brought the bill forward last year. The President vetoed it and said it was too much. Senator ROTH came back this year. He originally had a different bill—it was a doubling of the 15-percent bracket—but he listened to many of us who said, let's go to 28 percent so people in that middle-income bracket can get relief. That is the middle-income couple who needs that money to be able to do more for their children or to buy their first house or to pay for the car.

The working people of our country deserve better government than they are getting today. They deserve better government than the Democrats shutting down the Senate because they don't want open debate on marriage tax penalty relief.

I hope tomorrow they will change. I hope they will change and say it is OK to discuss this issue. It is OK to have disagreements, but let's keep our eye on the ball. Let's come together, Democrats and Republicans, and correct the inequity in the Tax Code in this country that says a married person and a single person in the same job making the same salary should pay the same taxes.

That is what we are seeking today. I hope the Democrats will come back fresh tomorrow and say: We agree with you. Now is the time to do the responsible thing. Let's correct the Tax Code to say every person working in this country should pay their fair share of taxes but no more. Let's give tax relief to the hard-working married couple who has been paying a penalty for 6 months or a year or 25 years. Let's correct it now because now is the time we can.

As the majority leader said about the gas tax reduction that we also tried to give people today: If not now, when? If not this, how?

Let us be a little more forthcoming in creativity when it comes to helping the hard-working people of this country have the marriage penalty relief they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Thank you, Mr. President. I compliment my friend and colleague from the State of Texas for all of her hard work and leadership in trying to correct the marriage tax penalty. It is an unfair quirk in our Tax Code that we hope we can finally bring to an end at some point this year.

(The remarks of Mr. FITZGERALD pertaining to the introduction of S. 2398 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 2402 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AVIATION SECURITY

Mr. MCCAIN. Mr. President, I am an original cosponsor of Senator HUTCHISON's bill to improve aviation security. Our colleague from Texas brings unique expertise to this issue as a former member of the National Transportation Safety Board. I want to thank her for her diligence in this area over the past several years as a member of the Commerce Committee Aviation Subcommittee.

Among other things, Senator HUTCHISON's bill would make pre-employment criminal background checks mandatory for all baggage screeners at airports, not just those who have significant gaps in their employment histories. It would require screeners to undergo extensive training requirements, since U.S. training standards fall far short of European standards. The legislation would also seek tighter enforcement against unauthorized access to airport secure areas.

I cannot overemphasize the importance of adequate training and competency checks for the folks who check airline baggage for weapons and bombs. The turnover rate among this workforce is as high as 400 percent at one of the busiest airports in the country. The work is hard, and the pay is low. Obviously, this legislation does not establish minimum pay for security screeners. By asking their employers to invest more substantially in training, however, we hope that they will also work to ensure a more stable and competent workforce.

Several aviation security experts appeared before the Aviation Subcommittee at a hearing last week. They raised additional areas of concern that I expect to address as this bill proceeds through the legislative process. For instance, government and industry officials alike agree that the list of ''disqualifying'' crimes that are uncovered in background checks needs to be expanded. Most of us find it surprising that an individual convicted of assault with a deadly weapon, burglary, larceny, or possession of drugs would not be disqualified from employment as an airport baggage screener.

Fortunately, this bill is not drafted in response to loss of life resulting from a terrorist incident. Even so, it is clear that even our most elementary security safeguards may be inadequate, as evidenced by the loaded gun that a passenger recently discovered in an airplane lavatory during flight.

I look forward to working with Senator HUTCHISON, as well as experts in both government and industry circles, to make sure that any legislative proposal targets resources in the most effective manner. By and large, security at U.S. airports is good, and airport and airline efforts clearly have a deterrent effect. What is also clear, however, is that we cannot relax our efforts as airline travel grows, and weapons technologies become more sophisticated.

''EXXON VALDEZ'' OIL SPILL

Mr. BINGAMAN. Mr. President, the Senate passed S. 711, calendar No. 235, a bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill, on November 19 last year, in the last hours of the First Session.

The bill states that moneys in the settlement fund are eligible for the new investment authority so long as they are allocated in a manner identified in the bill. Specifically, S. 711 provides that $55 million of the funds remaining on October 1, 2002 shall be allocated for habitat protection programs.

The accompanying report, S. Rept. 106–124, contains a provision in the section-by-section analysis, subsection 1(e), stating that, with respect to the $55 million for habitat protection programs, ''[a]dditionally, any funds needed for the administration of the Trust will also be deducted from these monies.'' I was surprised to see this provision in the report because I do not believe that it reflects the committee's intent with respect to the bill.

Mr. MURKOWSKI. I think the committee did speak clearly in the actual legislative language of the bill, which requires that the new investment authority be allocated ''consistent with the resolution of the Trustees adopted March 1, 1999 concerning the Restoration Reserve.'' Among other things, this resolution separates the remaining funds into two distinct ''pots'' of money: a $55 million pot which can be used for habitat acquisition; and a $115 million ''pot'' that will be used for research and monitoring activities.

As the Trustees have explained the resolution to me, the cost of administration for habitat acquisition will come from the $55 million and the cost of administration for the monitoring and research will come from the $115 million. Therefore, I am confident that the actual legislative language of the bill is clear and that this was the committee's intent. This provision was very important to me in drafting this bill because I have always been concerned about the tens-of-millions of dollars the Trustees have spent on administration of the funds.

We prepared a statement to clarify this matter last November. It should have appeared in the RECORD at the point where the bill was passed (S15162–S15163). Regrettably, the statement was mislaid and did not appear where it should have.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 10, 2000, the Federal debt stood at $5,761,021,041,671.35 (Five trillion, seven hundred sixty-one billion, twenty-one million, forty-one thousand, six hundred seventy-one dollars and thirty-five cents).

Five years ago, April 10, 1995, the Federal debt stood at $4,869,423,000,000 (Four trillion, eight hundred sixty-nine billion, four hundred twenty-three million).

Ten years ago, April 10, 1990, the Federal debt stood at $3,083,479,000,000 (Three trillion, eighty-three billion, four hundred seventy-nine million).

Fifteen years ago, April 10, 1985, the Federal debt stood at $1,729,371,000,000 (One trillion, seven hundred twenty-nine billion, three hundred seventy-one million).

Twenty-five years ago, April 10, 1975, the Federal debt stood at $510,599,000,000 (Five hundred ten billion, five hundred ninety-nine million) which reflects a debt increase of more than $5 trillion—$5,250,422,041,671.35 (Five trillion, two hundred fifty billion, four hundred twenty-two million, forty-one thousand, six hundred seventy-one dollars and thirty-five cents) during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF EDGAR A. SCRIBNER

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a friend of mine who is also a friend to the working men and women of Michigan, Edgar A. Scribner. Ed recently retired from his position as President of the Metropolitan Detroit AFL–CIO.

Ed Scribner began his working career with the Detroit Free Press in 1950, a career which was interrupted from 1952–1954 when he served his country in Korea with the United States Army. He has always been an active supporter of the rights of workers, and was elected Vice President of Teamster Local Union #372 in 1962. He also served his local as Trustee and President, and was selected for additional leadership positions with Michigan Teamsters Joint Council #43. In 1988, he was first elected President of the Metropolitan Detroit AFL–CIO, a position he has held until this year.

Ed's contribution to community life has truly known no bounds. He has worked tirelessly on behalf of numerous charities and took a leadership role on behalf of United Community Services, metro Detroit's Torch Drive agency. In 1992, duty called Ed in a new direction when he was elected to the Board of Governors of Wayne State University, helping one of the nation's leading urban research universities find new ways to serve metropolitan Detroit.

Through it all, as a labor leader, a humanitarian, and an education leader, Ed's calling card has been his sincerity. Those who know him have come to appreciate the genuine affection he holds for people. While he's never been reluctant to take a stand concerning the big issues of his day, Ed has never forgotten that in the end it's all about people and making their lives better.

Caring about people has been a way of life for Ed Scribner, not just a job. So I have no doubt that even in his retirement, Ed will continue to serve his community in many ways. I am sure that his children, and especially his grandchildren, will keep him at least as busy as his commitments to the many non-profit and educational institutions with which he is currently involved. And I also know that the men and women of the AFL–CIO can count on Ed to continue to stand with them in their ongoing efforts on behalf of the working people of our nation.

Mr. President, I know my colleagues will join me in extending congratulations and best wishes to Ed Scribner, President of the Metropolitan Detroit AFL–CIO, on the occasion of his retirement.•

RECOGNITION OF FRANKLIN MIDDLE SCHOOL PRINCIPAL RICK OTTO

• Mr. GORTON. Mr. President, for the past seven years, the children at

Franklin Middle School in Yakima, Washington have benefitted greatly from the dedication and hard work of their principal, Mr. Rick Otto. He has been credited by his colleagues for turning the school around with his new ideas, helping disadvantaged students, and creating a positive atmosphere. I applaud Principal Otto's work to bring about such important changes and improvements in his school and am proud to present Principal Otto with my next ''Innovation in Education'' Award.

Principal Otto has a distinguished record of service at Franklin Middle School. For many years, he taught technology classes before working as an assistant principal. In 1993, he became the principal and realized that in order to improve Franklin Middle School, the community would have to become more involved. Throughout his tenure, Principal Otto has built a strong relationship with parents, community leaders and residents of the surrounding neighborhoods. The work of Principal Otto and the community has made a tremendous impact resulting in a renewed sense of discipline and higher expectations in student performance.

One of the challenges taken on by Principal Otto was improving the academic achievement of its high-concentration of non-English speaking families as well as helping students traditionally described as disadvantaged. Under Mr. Otto's leadership, Franklin created an ''At-Risk'' program which targets the children who are having trouble in school, gives them more attention in the classroom, and monitors their improvement. In the past five years, 69 percent of the students participating in the ''At-Risk'' program have improved in all areas of their education. The ''At-Risk'' program has also vastly improved the morale of students and staff across the Franklin campus.

I have heard many words of praise from members of the Franklin Middle School community who regard him as a model educator and admire his steadfast dedication to his students. Their words speak more highly of Principal Otto than I, as a United States Senator, ever could.

Clearly, Principal Otto is a leader in the field of education who recognizes the challenges that exist in his school and works each day to meet those challenges and make his students better learners. I applaud Principal Otto and know that the past, present and future children attending Franklin Middle School will be better students because of him.●

RESIGNATION OF LARRY WILKER, KENNEDY CENTER PRESIDENT

● Mr. KENNEDY. Mr. President, a few days ago, the president of the Kennedy Center, Lawrence J. Wilker, announced that he will resign his position at the Center at the end of this year. He plans to launch a new Internet entertainment company, and I know that he will bring the same ability, energy, and enthusiasm to that initiative as he brought to the Kennedy Center.

Larry Wilker has been a superb president for the Kennedy Center over the past decade. He has made outstanding improvements in the Center's facilities and its programming. He has led the Center effectively during a time of significant growth and expansion. One of his most impressive achievements has been the creation of the Millennium Stage, which offers free performances every afternoon at the Center.

I know that Larry Wilker will continue to be a leader in the national performing arts community and an enduring part of the Kennedy Center, and I wish him well in his important and pioneering new undertaking.

Today's Washington Post contains an excellent editorial praising Larry and his many contributions to the Kennedy Center and the arts in the nation. I ask that the editorial may be printed in the RECORD.

The article follows:

[From the Washington Post, April 11, 2000]

A KENNEDY CENTER DEPARTURE

Lawrence Wilker, president of the Kennedy Center since 1991, is taking off for the dot-com world, leaving an institution more vital and deeper in talent than before his arrival. Former chairman James Wolfensohn, who hired Mr. Wilker, did much to set the direction of the center toward showcasing national and regional arts, livelier relations with the local scene and a strong focus on arts education. Under Mr. Wilker and center chairman James Johnson those changes deepened and took institutional hold. Signs of this emphasis range from the hugely popular free ''Millennium State'' events daily at 6 p.m. in the Grand Foyer—catering, as often as not, to a jeans-and-sweaters crowd—to the splashy black-tie gala that marked the unveiling of a refurbished Concert Hall in 1997.

Outreach doesn't accomplish much if the quality isn't there to back it up. That lesson also has reverberated in the Wilker era with the arrival of recognized names such as the Washington Opera's Placido Domingo and the National Symphony Orchestra's Leonard Slatkin. Mr. Wilker's own background in theater production bolstered Kennedy Center sponsorship of the Fund for New American Plays, which distributes as much as $25,000 (gleaned mostly from corporate sources) for production of promising works by young playwrights all over the nation—some of which end up in Washington, some not.

Mr. Wilker says his Internet venture will make arts and entertainment more widely available. His Kennedy Center tenure has been, in large measure, an exercise in that same mission, and one that has achieved success—despite being waged not on the Net but in the clunkier coin of bricks, mortar and federal budget battles.●

THE AMERICAN LUNG ASSOCIATION OF MICHIGAN-GENESEE VALLEY REGION HONORS DR. PETER LEVINE

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Peter Levine, who on April 13, 2000, will be honored by the American Lung Association of Michigan-Genesee Valley Region as its Individual Health Advocate of the Year. Each year, the organization recognizes one individual whose efforts have greatly contributed to supporting the health, education and overall well-being of the Genesee Valley community.

Since 1986, Dr. Levine has served as the Executive Director of the Genesee County Medical Society in Flint, Michigan, which represents over 600 physicians. As Executive Director, Dr. Levine oversees the day-to-day operations of the Medical Society, ranging from the responsibilities of its financial, policy and staffing actions, to its lobbying activities, educational programming and media relations. He also serves as the Executive Director of the Society's three subsidiaries: the Medical Society Foundation, a 501C–3 educational and social policy charitable foundation; the Physicians Programs, Inc.; and the Emergency Medical Centre of Flint, an urgent care center designed to provide a low cost alternative care site for the community at large. The Emergency Medical Centre provides care for approximately 18,000 visitors per year.

Prior to 1986, Dr. Levine served as Program Director for the Greater Flint Area Hospital Assembly. In this capacity, Dr. Levine directed a six-hospital cooperative venture enabling these hospitals to provide better cancer care services to their patients. He developed and implemented strategies for cooperation in research, education, bioethics, resource coordination, standards of care, fiscal strategies, communication with hospital staffs, promotion of member hospitals outside of the region, innovative programming, cancer screening, and computerized tumor registry and data system. He staffed a multi-hospital joint venture to implement Magnetic Resonance Imagery technology in the Flint area, and served as the Executive Director of Community Hospice, Inc., a multi-hospice association designed to foster hospice growth in the region.

Dr. Levine is also a founding board member and volunteer for the Genesee County Free Medical Clinic, and a charter member of the Michigan Hospice Organization Board of Directors. He serves on the Medicare Advisory Board for the Ninth Congressional District of Michigan, sits on the Board of Directors of Health Education Systems, Inc., and is a Consultant to Michigan State Medical Society Committees on Bioethics, on Membership Recruitment and Retention, and on Medical Economics. He is also the State Medical Society's Liaison with Blue Cross/Blue Shield, and a member of its task force on professional liability.

Mr. President, I applaud Dr. Levine for his outstanding work for not only Genesee County, but the State of Michigan. His efforts have contributed to a higher standard of medical care throughout the state. On behalf of the entire United States Senate, I congratulate Dr. Levine on being named

the Individual Health Advocate of the Year by the American Lung Association of Genesee Valley. He is truly deserving of this honor.●

DELAWARE'S MOTHER OF THE YEAR

● Mr. BIDEN. Mr. President, I rise today to honor Mrs. Mary Jane DeMatteis, Delaware's Mother of the Year 2000.

The story of Mrs. DeMatteis is one of strength and devotion. After her loving husband of twenty years passed away, she was left to raise their six children alone. Mrs. DeMatteis used her faith and her love for her children to persevere through the most difficult of times. While maintaining a job in the Delaware court system, she was able to find the time and energy to care for her children and teach them the importance of family and love.

I have had the opportunity to witness the product of Mrs. DeMatteis' many years of commitment to her children. Claire, her daughter, is one of my most senior advisors and her intellect and strength of character is certainly a reflection of the profound influence her mother has had on her life. Today the legacy of Mary Jane DeMatteis continues as her ten grandchildren are graced with the success and love that Mrs. DeMatteis infused into the lives of her children. I am sure that her impact will be felt for countless generations to come.

We all know that being a parent is the most important job in the world. I am extremely proud to recognize this wonderful honor that Mrs. DeMatteis so well deserves.●

THE AMERICAN LUNG ASSOCIATION OF MICHIGAN-GENESEE VALLEY REGION HONORS MOTT COMMUNITY COLLEGE

● Mr. ABRAHAM. Mr. President, I rise to today to recognize Mott Community College, which on April 13, 2000, will be honored by the American Lung Association of Michigan-Genesee Valley Region as its 1999 Corporate Health Advocate of the Year. Mott Community College is being awarded for promoting lung health in the workplace, for encouraging its employees to participate in local non-profit organizations, for demonstrating financial support to these organizations, and for exhibiting an overall dedication to improving the quality of life of residents in the Genesee Valley area.

Mott Community College has a definitive plan to promote lung health in the workplace consistent with the mission of the American Lung Association of Michigan. There is a ban on smoking in all college buildings, the college's health insurance providers offer various educational programs to support employees who want to quit smoking, and smoking cessation material and counseling is available at the annual Mott Community College Health Fair. The college also has a program of assistance available to all students and staff who are disabled or suffering from disease, and has expended millions of dollars to make its campus fully accessible to the whole community.

Mott Community College is by its very nature a community service, but the college works hard to provide more to Genesee County than educational opportunity. Within its educational programs, and particularly in the health sciences, there is an interactive community component: senior nursing students work with area schools to provide health education classes, along with basic health screening, for students; faculty and staff work with the Genesee County Health Department to train teams, working through area churches, to provide citizens with health information; and the community has access to diverse facilities and programs on campus, programs which are all aimed at improving the health of the community.

Mott Community College also hosts many important events where health education is the theme. The annual Mott Community College Health Fair is a popular event which brings health professionals and the community together. The college holds national mental health town meetings, including a recent public forum which Ms. Tipper Gore chaired. On February 5, 2000, the college hosted the first annual ''Family Asthma Day,'' in which three asthma specialists presented informal sessions on the management of asthma. The event also included interactive sessions for adults and children.

Mr. President, for over seventy-five years, Mott Community College has worked to improve the quality of life of residents in the Genesee Valley area. On behalf of the entire United States Senate, I congratulate Mott Community College on being named the Corporate Health Advocate of the Year by the American Lung Association of Michigan-Genesee Valley Region. This award is the representation of the hard work of many people who truly care about the Genesee County community.●

NATIONAL TELECOMMUNICATOR'S WEEK

● Mr. BURNS. Mr. President, I rise today to bring recognition to a very special group of people in our Nation, our public safety communicators. These people are the ones who, hour after hour, stand by ready to dispatch emergency assistance to Americans in times of crisis and often tragedy. In 1992, President George Bush set aside the week of April 9th through the 15th to bring special recognition to all of those who dispatch emergency aid across this great country. Everyday Americans reach for the telephone to dial the numbers 9–1–1, seeking a voice that will bring them the help they so desperately require. A parent holding a child who has suffered a life threatening injury, an elderly person who has no one else to turn to, or a family who has awakened to a home filled with smoke; they are all calling this number just waiting for the voice that will bring them much needed assistance. The men and women who answer the 9–1–1 call are the ones who often make the difference between life and death for thousands of people in this country every single day. Our 9–1–1 dispatchers are on call 365 days a year, 24 hours a day, always there with that calm reassuring voice that puts hope back in the hearts of those in need. It is a great honor for me to bring recognition to these unsung heroes of our country and I hope that you will join me in offering your praise and thanks.●

DR. JAMES BROWN AND THE TENTH ANNIVERSARY OF THE INTERNATIONAL ARMS CONTROL CONFERENCE

● Mr. DOMENICI. Mr. President, I rise today to acknowledge the upcoming Tenth Annual Arms Control Conference taking place in Albuquerque, New Mexico. In recognition of this Tenth Anniversary, I wish to emphasize the tireless efforts of this conference's founder, coordinator, and inspiration, Dr. James Brown.

Dr. Brown's career has long emphasized arms control. Not only has Jim Brown devoted himself to this conference for the past decade, but he has also been a practitioner. He served in several different capacities at the Arms Control and Disarmament Agency, where he helped develop verification regimes for implementation of the UN Security Council Resolution to eliminate Iraq's weapons of mass destruction. He also worked in the Pentagon as a special assistant to the Deputy Undersecretary for Planning and Resources.

His academic résumé is also impressive. Jim was a professor at Southern Methodist University, and a visiting professor at Air University. He was a founding director of the John Tower Center for Political Studies and co-taught courses with Senator Tower for eight years. Jim Brown was also selected as a senior Fulbright Scholar at the University of Ankara. Most notably, he has authored and edited nine volumes of scholarly work and 35 articles on Arms Control.

Dr. James Brown has dedicated many years of his professional life in pursuit of international understanding as a fundamental prerequisite to progress on arms control and disarmament. Every year this conference reflects the culmination of his personal commitment. It is important to acknowledge the unique contribution that this conference has made and continues to make toward achievement of global peace and stability.

The disarmament and non-proliferation work of Sandia National Laboratories and the Cooperative Monitoring Center are greatly enhanced and supported by the annual Arms Control

Conference. This event should serve to underscore Sandia Laboratories' staunch commitment to a safe and stable international security environment.

The success of this annual event owes itself to Jim's reputation, his integrity, his personal relationships with a broad range of policy makers throughout the global arms control community and their trust in him. Jim's diligence has enabled the Albuquerque conference to grow even more in stature each year bringing credit on Sandia, the Department of Energy and the State of New Mexico.

Mr. President, New Mexico is fortunate to have Dr. Brown as a citizen.●

RECOGNITION OF MR. DARVIN ECKLUND, FOUNDER OF THE CEDAR HEIGHTS ENVIRONMENTAL RESOURCES LEARNING CENTER

● Mr. GORTON. Mr. President, in a continuing effort to recognize excellence in education I would like to award Darvin Ecklund of the Cedar Heights Environmental Resources Learning Center in Port Orchard, Washington with an 'Innovation in Education' Award. Two years ago, Mr. Ecklund, a Natural Resources teacher at Cedar Heights Junior High, created an after school center that focuses on environmental activities and teaches students the importance of rehabilitating our local natural resources. I think Mr. Ecklund's concept is a remarkable after school option for junior high students as an alternative, safe environment where they can learn and have fun at the same time.

The focus of the Cedar Heights Environmental Resources Learning Center aims to stimulate kids toward saving the environment around them. Recently, the Center renovated local ponds and developed plant life to be used in future rehabilitation projects. Children learn to identify common and scientific names of plants and wildlife. To date, over six hundred salmon have been raised in this Center! This is a truly remarkable way to integrate science into children's lives with a hands on approach.

We all know that we live in a busy world where sometimes kids end up waiting for their parents to return from work. I cannot think of a better way to see kids spend a few hours after-school, as well as getting parents involved in their children's after-school activities. Currently, there are over one hundred kids participating in this program. High school students are also part of Mr. Ecklund's staff and help organize activities and provide assistance as well.

Mr. Ecklund has also found a way for kids at the Cedar Heights Environmental Resources Learning Center to develop a relationship with the retirement community across the street. The Center offers retirees an educational as well as relaxing place to come and share time with the students. The Center has made the paths around the Environmental Center wheel-chair accessible. After hearing this, I was encouraged that this community has found a way to connect young people not only to the environment, but to their elders. I applaud Mr. Ecklund for creating such an innovative program that connects older and younger students to helping the environment and spending time with seniors.

Ms. Pat Green, Principal of Cedar Heights Junior High, said the following about Mr. Ecklund: ''He is passionate about the environment and teaching kids how to raise fish as a sustainable resource. The kids are learning hands-on science in action!''

Mr. Pat Oster, Assistant Principal of Cedar Heights Junior High commends Mr. Ecklund's efforts, describing him as, ''a very caring and energetic person who devotes generous time to the many students he interacts with on a daily basis.''

I have been a long supporter of preserving the environment. I am impressed by the originality of this program and hope other after-school centers will follow in the footsteps of the Cedar Heights Environmental Resources Learning Center. This is truly science in action!●

MRS. KATHERINE G. HEIDEMAN'S 90TH BIRTHDAY

● Mr. ABRAHAM. Mr. President, I rise to recognize Mrs. Katherine Grayson Graham Heideman, resident of Hancock, MI, who today is celebrating her 90th birthday. It is my pleasure to honor her not only for having reached this landmark birthday, which is quite an accomplishment in itself, but also, and I think more importantly, for having lived her life in a manner truly worthy of commendation.

Mrs. Heideman was born in Audubon, Iowa, the daughter of Katherine Grayson Brown and James Melville Graham. She was the youngest of six daughters. After attending high school in Audubon, she headed out west to continue her education, first receiving a B.A. from the University of California-Los Angeles in 1931, and then in 1934 earning an M.A. from the University of Southern California. For the next twenty years, Mrs. Heideman taught English literature classes to intermediate students in four different states: California, Michigan, Illinois, and the District of Columbia.

On July 6, 1934, Katherine married Bert Heideman. The couple remained together until in 1991, when Mr. Heideman passed away. They had three children together, Eric, Bert, and Eric. The eldest child unfortunately died just six months after he was born, and Mr. and Mrs. Heideman named their third child in his honor and memory.

In 1958, Mrs. Heideman became the first woman to be named Houghton County, Michigan, Superintendent of Schools. She served in this capacity for four years, then spent twelve years as Superintendent of the Copper Country Intermediate School System, which includes Houghton, Baraga, and Keweenaw counties. During these years, Mrs. Heideman was a pioneer in developing special education initiatives. All of her efforts culminated in 1974, when the Heideman Bill, HB5013, was passed into law in the State of Michigan. This law made it possible for an intermediate school district to own and operate a school for handicapped children.

In 1982, Mrs. Heideman was elected to the Hancock City Council, and there she has continued to fight not only for the rights of disabled individuals, but also for the environment and the historic preservation of Houghton county. She is the author of a resolution forbidding any nuclear or toxic waste to be transported through the city of Hancock, and of a resolution condemning the dumping of iron ore tailings into Lake Superior. Mrs. Heideman was a charter member of the Hancock Historic Preservation Commission, and continues to be a strong voice in the efforts to retain the city's old world charm. She has played an instrumental role in the attempt to get the city of Hancock recognized as being the Finnish American culture center of the United States. And, due to her efforts, a sister city relationship was formed with the citizens of Porvoo, Finland. A candidate seven times, she now begins her eighteenth year representing the first ward.

Mr. President, I applaud Mrs. Heideman for her selfless dedication to improving the quality of life for individuals not only in the city of Hancock, but the entire State of Michigan. She is a remarkable woman and a true role model. On behalf of the entire United States Senate, I wish Mrs. Heideman a happy ninetieth birthday, and best of luck in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

MESSAGE FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered from Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 228. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

H. Con. Res. 282. Concurrent resolution declaring the ''Person of the Century'' for the 20th century to have been the American G.I.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 777. An act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The message further announced that the House disagrees to the amendment of the Senate to 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 fiscal years 2002 through 2005, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. HOLT.

ENROLLED BILL SIGNED

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1287. An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 228. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests; to the Committee on the Judiciary.

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Rules and Administration.

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Rules and Administration.

H. Con. Res. 282. Concurrent resolution declaring the ''Person of the Century'' for the 20th century to have been the American G.I.; to the Committee on the Judiciary.

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–8406. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the fiscal year 1998 operations of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–8407. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education transmitting, pursuant to law, the report of a rule entitled ''Final Regulations-Teacher Quality Enhancement Grants Program'', received April 6, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8408. A communication from the Executive Director, Congressional Members, and the Executive Director, Presidential Members, Census Monitoring Board transmitting, pursuant to law, a report entitled ''Field Observations of the New York and Dallas Regional and Local Census Offices, Alaska Enumeration, and Household Matching Training''; to the Committee on Governmental Affairs.

EC–8409. A communication from the Administrator, General Services Administration transmitting a draft of proposed legislation entitled ''Federal Property Asset Management Reform Act of 2000''; to the Committee on Governmental Affairs.

EC–8410. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Assistance to Foreign Atomic Energy Activities'' (RIN1992–AA24), received March 30, 2000; to the Committee on Foreign Relations.

EC–8411. A communication from the Senior Banking Counsel, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Financial Subsidiaries'' (RIN1505–AA77), received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8412. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Single Family Mortgage Insurance; Appraiser Roster Removal Procedures'' (RIN2502–AH29) (FR–4429–F–03), received April 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8413. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenhexamid; Pesticide Tolerances'' (FRL # 6553–7), received April 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8414. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Assigning Values to Non-Detected/Non-Quantified Pesticide Residues''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8415. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Decreased Assessment Rate'' (Docket Number FV00–985–4 IFR), received April 7 , 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8416. 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 29, Nonconventional Source Fuel Credit/Inflation Adjustment Factor/Reference Price for Calendar Year 1999'' (Notice 2000–23), received April 7, 2000; to the Committee on Finance.

EC–8417. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Charitable Split-Dollar Insurance Reporting Requirements'' (Notice 2000–24), received April 6, 2000; to the Committee on Finance.

EC–8418. A communication from the Acting Assistant Secretary, Import Administration, International Trade Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Amended Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders'' (RIN0625–AA54), received April 6, 2000; to the Committee on Finance.

EC–8419. 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; Andres-Murphy, NC; Docket No. 00–ASO–4 (4–3/4–3)'' (RIN2120–AA66) (2000–0081), received April 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8420. A communication from the Secretary of the Commission, Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled ''Antitrust Guidelines for Collaborations Among Competitors'', received April 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8421. A communication from the Deputy Chief, Industry Analysis Division, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Local Competition and Broadband Reporting'' (FCC 00–114) (CC Doc. 99–301), received April 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8422. A communication from the General Counsel, Department of Commerce transmitting a draft of proposed legislation relative to the establishment of the National Marine Sanctuary Foundation; to the Committee on Commerce, Science, and Transportation.

EC–8423. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Acceptability'' (FRL # 6575–7), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8424. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Interim Enhanced Surface Water Treatment Rule

(IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1DBPR), and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments'' (FRL # 6575–9), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8425. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Certain Federal Human Health and Aquatic Life Water Quality Criteria Applicable to Rhode Island, Vermont, the District of Columbia, Kansas and Idaho'' (FRL # 6576–2), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8426. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Submission of Performance Indicator Data'' (NRC Regulatory Issue Summary 2000–08), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8427. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Risk-Informed Decisionmaking in License Amendment Reviews'' (NRC Regulatory Issue Summary 2000–07), received April 6 , 2000; to the Committee on Environment and Public Works.

EC–8428. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for the Santa Ana Sucker'' (RIN1018–AF34), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8429. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised VOC Rules'' (FRL # 6574–7A), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8430. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination that State has Corrected the Plan Deficiency and Stay of Sanctions; Phoenix PM–10 Nonattainment Area , Arizona'' (FRL # 6575–2), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8431. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transportation Conformity Amendment: Deletion of Grace Period'' (FRL # 6574–7), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8432. A communication from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the Department of the Interior; to the Committee on Environment and Public Works.

EC–8433. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 2''; to the Committee on Environment and Public Works.

EC–8434. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 3''; to the Committee on Environment and Public Works.

EC–8435. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 4''; to the Committee on Environment and Public Works.

EC–8436. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Interim Guidance for Enforcing the TSCA 402 Abatement Rule 'Firm and Lead Abatement Professional Certification Requirements' ''; to the Committee on Environment and Public Works.

REPORT OF COMMITTEE

The following report of committee were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens (Rept. No. 106–260).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 2383. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2384. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transporation projects; to the Committee on Environment and Public Works.

By Mr. TORRICELLI:

S. 2385. A bill to direct the Secretary of the Army to establish a program to market dredged material; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. MURKOWSKI, Mr. CLELAND, Mr. DURBIN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. JOHNSON, Mr. KENNEDY, Mr. EDWARDS, Mr. CAMPBELL, Mr. ABRAHAM, Mr. KERRY, Mr. FEINGOLD, Mr. SANTORUM, Mr. LEAHY, Mr. INHOFE, Mr. WELLSTONE, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Mr. SNOWE, Mr. HAGEL, Mr. BIDEN, Mr. MACK, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BRYAN, Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. REID, Mr. BREAUX, Mr. DODD, Mr. LIEBERMAN, Mr. KERREY, Mr. DASCHLE, Mr. JEFFORDS, and Mr. ROTH):

S. 2386. A bill to extend the Stamp out Breast Cancer Act; to the Committee on Government Affairs.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. WELLSTONE):

S. 2387. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious disease, particularly HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOLLINGS (by request):

S. 2388. A bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 2389. A bill to provide additional assistance for fire and emergency services, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself, Mr. WARNER, Mr. HUTCHINSON, Mr. SESSIONS, Mr. HELMS, and Mr. ABRAHAM):

S. 2390. 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. ROTH:

S. 2391. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

By Mr. ROTH:

S. 2392. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4-E-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. FEINGOLD):

S. 2393. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER. Mr. HELMS, Mr. KERREY, Mrs. BOXER, Mr. INOUYE, Mr. SANTORUM, Mr. TORRICELLI, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. KERRY, Mr. DEWINE, Mr. EDWARDS, Mr. CLELAND, Mr. LIEBERMAN, Mr. LEVIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Mrs. MURRAY, Ms. MIKULSKI, and Mr. SPECTER):

S. 2394. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

By Mr. MOYNIHAN (by request):

S. 2395. A bill to promote economic development and stability in Southeast Europe by providing countries in that region with additional trade benefits; to the Committee on Finance.

By Mr. BENNETT:

S. 2396. A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself, Mr. THURMOND, Mr. SESSIONS, Mr. CRAIG, Mr. SMITH of New Hampshire and Mr. INHOFE):

S. 2397. A bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military recruiting purposes, and for other purposes; to the Committee on Armed Services.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. SANTORUM, Mr. SPECTER, Ms. MIKULSKI, Mr. SARBANES, and Mr. KERREY):

S. 2398. A bill to amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. LEVIN):

S. 2399. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2400. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mr. KOHL):

S. 2401. A bill to provide jurisdictional standards for imposition of State and local business activity, sales, and use tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. LEVIN, and Mr. BINGAMAN):

S. 2402. A bill to amend title 38, United States Code, to enhance and improve educational assistance under the Montgomery GI Bill in order to enhance recruitment and retention of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. GREGG, Mr. KYL, Mr. LEAHY, and Mrs. HUTCHISON):

S. Res. 285. A resolution expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. Con. Res. 103. A concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM:

S. 2383. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

ALIEN CHILDREN PROTECTION ACT OF 2000

Mr. GRAHAM. Mr. President, for many weeks, we have been dealing with the tragedy of Elian Gonzalez. If this tragedy teaches us anything, it is that the U.S. immigration laws have not been constructed in a manner that accounts for the special needs of our Nation's most precious resource—I also say our world's most precious resource—our children.

Yesterday, CNN-USA Today released a Gallup Poll on the Elian Gonzalez tragedy. That poll said by a 2-to-1 margin Americans believe Elian Gonzalez should live with his father in Cuba rather than with relatives in the United States. But that same poll, also by a 2-to-1 margin, found that Americans disapprove of the way the Government has handled this case. That disapproval of the way in which the Government has handled this case could be a disapproval of hundreds of cases if they had the same notoriety as Elian.

I come this afternoon to introduce legislation that will require the Federal Government to dramatically improve its treatment of the thousands of unaccompanied children who arrive in the United States each year.

Many of us are parents. I personally have been blessed with four beautiful daughters and 10 wonderful grandchildren. We all know the special joy a child brings to our lives. We know that bond across generations that relationship between a parent or a grandparent and a child brings. We all want to pour all of the history, all of our personal experience into safeguarding and into paving the way in the best interests of our children.

The Bible tells us to take this responsibility seriously. In the book of Proverbs, it imparts this wisdom:

> Train up a child in the way he should go, and when he is old he will not depart from it.

We all have that responsibility to train up a child.

As that passage from Proverbs suggests, we have a responsibility to protect and nurture all of our children. Their future—our planet's future—depends on it.

Unfortunately, U.S. law prevents us from carrying out that responsibility with respect to some of this planet's most vulnerable children.

Each year, there are about 5,000 unaccompanied children who are detained by the U.S. Immigration and Naturalization Service. Some children come to this country seeking asylum, others hope to be reunified with families, and others seek nothing but a better life. While many of these children ultimately are deported or voluntarily returned home, some have legitimate claims which merit our attention.

Regardless of the outcome of their cases, in most instances, these children must endure the rigors of an immigration system that is anything but child friendly. Unfortunately, many children in INS custody end up spending time in jail-like settings while their cases are pending. They have no one to guide them through complex immigration law and procedure.

Moreover, immigration laws are technical and inflexible and do not permit compassion or frequently even common wisdom to enter into the equation when determining the fate of a child.

I will give some examples. Six Chinese children were detained by the INS last year in Oregon. Though charged with no crime, they were sent to a juvenile detention facility for 8 months where they were exposed to violent youthful offenders who had committed crimes such as murder and drug trafficking. One of the group, a 15-year-old girl, was forced to remain at the jail for several weeks after she had been granted asylum, even though she had relatives living in New York.

Such innocent children should not have to endure exposure to hardened juveniles and criminals as part of their experience with the U.S. immigration process.

Equally compelling is the story of a Kosovar Albanian boy who was suffering from severe depression. He was held in a juvenile correctional facility for over 6 months during his immigration proceedings. The INS provided psychiatric care but by a professional who spoke only English. After a mental episode, the boy was placed in the maximum security section of the jail rather than being provided with appropriate care. The INS even balked at placing the boy in foster care after he was granted asylum, thus further delaying his stay in an inappropriate facility.

The Federal Government's insensitivity to child immigrants is also illustrated by a recent case of two children from the Caribbean. Their mother is a legal, permanent resident in the United States, but she had left her minor children behind with the belief they would soon follow. The mother promptly applied for visas for her children. Yet the children were required to wait in their home country for months and, in some cases, even years before they could even get an interview at the local U.S. Embassy to pave the way for reunification with their mother.

These are just three examples of children who were improperly treated as a result of our current immigration laws. Many of these cases are the result of INS's inherent conflict of interest: Children are detained and frequently deported by the same agency that is responsible for caring for them and protecting their legal rights. This system does not work well enough, and it needs improvement. Children are entitled to receive care from child welfare authorities who will act in their best interest and who are trained to protect children's rights.

Indeed, there is an irony. The Federal Government requires States to place

children in facilities that are separate and apart from adult correctional facilities. The INS should at least abide by the same standard with respect to alien children.

To address these problems, my legislation takes four actions: First, it requires that INS place children in its custody in a facility appropriate for children; in other words, no jails. These facilities are required to provide for the health, welfare, and educational needs of children.

Two, provide children in INS custody with a guardian ad litem to champion that child's best interest. Notably, this guardian would not be associated with the INS in order to eliminate any conflict of interest.

Three, give the Attorney General the flexibility and the authority in extraordinary cases to evaluate a child's case on the basis of what is in the best interest of the child.

Four, to direct the General Accounting Office to conduct a study and report back to Congress regarding whether and to what extent U.S. diplomatic officials are fulfilling their obligation to reunify on a priority basis children in foreign countries whose parents are legally present in the United States.

With these changes in the law, children will no longer be forced to struggle through the immigration process alone under the adverse conditions to which they are currently exposed. The INS will have the flexibility to treat children in its custody with greater compassion and common sense.

I hope the recent attention which has and will continue to surround the Elian Gonzalez tragedy will encourage us to shield all our children from the vagaries of U.S. immigration law. Our future generations deserve to be protected, not persecuted or prosecuted. They deserve to be inspired, not incarcerated. They deserve to have decisions about their future made consistent with what is in their best interest, not confused by conflicts of interest.

I conclude with hope that this Congress will give attention to an issue which affects not one child but thousands of children who are in the custody of the United States and whose treatment reflects our fundamental American values of justice and concern for their rights.

Mr. President, I ask unanimous consent that the bill and three newspaper articles and editorials on the subject of ''INS Treats Children Shamefully'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2383

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 ''Alien Children Protection Act of 2000''.

SEC. 2. USE OF APPROPRIATE FACILITIES FOR THE DETENTION OF ALIEN CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), in the case of any alien under 18 years of age who is awaiting final adjudication of the alien's immigration status and who does not have a parent, guardian, or relative in the United States into whose custody the alien may be released, the Attorney General shall place such alien in a facility appropriate for children not later than 72 hours after the Attorney General has taken custody of the alien.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to any alien under 18 years of age who the Attorney General finds has engaged in delinquent behavior, is an escape risk, or has a security need greater than that provided in a facility appropriate for children.

(c) DEFINITION.—In this section, the term ''facility appropriate for children'' means a facility, such as foster care or group homes, operated by a private nonprofit organization, or by a local governmental entity, with experience and expertise in providing for the legal, psychological, educational, physical, social, nutritional, and health requirements of children. The term ''facility appropriate for children'' does not include any facility used primarily to house adults or delinquent minors.

SEC. 3. ADJUSTMENT TO PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(l)(1) The Attorney General may, in the Attorney General's discretion, adjust the status of an alien under 18 years of age who has no lawful immigration status in the United States to that of an alien lawfully admitted for permanent residence if—

''(A)(i) the alien (or a parent or legal guardian acting on the alien's behalf) has applied for the status; and

''(ii) the alien has resided in the United States for a period of 5 consecutive years; or

''(B)(i) no parent or legal guardian requests the alien's return to the country of the parent's or guardian's domicile, or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to mental or physical abuse; and

''(ii) the Attorney General determines that it is in the best interests of the alien to remain in the United States notwithstanding the fact that the alien is not eligible for asylum protection under section 208 or protection under section 101(a)(27)(J).

''(2) The Attorney General shall make a determination under paragraph (1)(B)(ii) based on input from a person or entity that is not employed by or a part of the Service and that is qualified to evaluate children and opine as to what is in their best interest in a given situation.

''(3) Upon the approval of adjustment of status of an alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.

''(4) Not more than 500 aliens may be granted permanent resident status under this subsection in any fiscal year.''.

SEC. 4. ASSIGNMENT OF GUARDIANS AD LITEM TO ALIEN CHILDREN.

(a) ASSIGNMENT.—Whenever a covered alien is a party to an immigration proceeding, the Attorney General shall assign such covered alien a child welfare professional or other individual who has received training in child welfare matters and who is recognized by the Attorney General as being qualified to serve as a guardian ad litem (in this section referred to as the ''guardian''). The guardian shall not be an employee of the Immigration and Naturalization Service.

(b) RESPONSIBILITIES.—The guardian shall ensure that—

(1) the covered alien's best interests are promoted while the covered alien participates in, or is subject to, the immigration proceeding; and

(2) the covered alien understands the proceeding.

(c) REQUIREMENTS ON THE ATTORNEY GENERAL.—The Attorney General shall serve notice of all matters affecting a covered alien's immigration status (including all papers filed in an immigration proceeding) on the covered alien's guardian.

(d) DEFINITION.—In this section, the term ''covered alien'' means an alien—

(1) who is under 18 years of age;

(2) who has no lawful immigration status in the United States and is not within the physical custody of a parent or legal guardian; and

(3) whom no parent or legal guardian requests the person's return to the country of the parent's or guardian's domicile or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to physical or mental abuse.

SEC. 5. SENSE OF CONGRESS.

Congress commends the Immigration and Naturalization Service for its issuance of its ''Guidelines for Children's Asylum Claims'', dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims.

SEC. 6 GENERAL ACCOUNTING OFFICE REPORT.

The General Accounting Office shall prepare a report to Congress regarding whether and to what extent U.S. Embassy and consular officials are fulfilling their obligation to reunify, on a priority basis, children in foreign countries whose parent or parents are legally present in the United States.

[From the St. Petersburg Times, Mar. 8, 2000]

INS TREATS CHILDREN SHAMEFULLY

Reaching the U.S. mainland usually is no easy feat for illegal immigrants fleeing their homelands. Whether crossing the ocean by boat or trudging miles across desert, immigrants nearly always face a journey that is dangerous and traumatic. For the children of these immigrants, who often have no say in their parents' decision to flee to the United States, that trauma too often is compounded once they arrive—by an American immigration system that treats kids like criminals.

The Immigration and Naturalization Service says children detained by the agency must be moved to a safe, kid-friendly environment within 72 hours of their initial detention, unless they are suspected criminals or considered a flight risk. Advocates for these children say that rule rarely is enforced. Instead, immigrant children typically are separated from their loved ones and locked in juvenile detention facilities, often before the INS has a chance to determine the family's status.

Because of a worsening space crunch at INS facilities, nearly 1,000 of the 4,000 children detained by the INS within the past year have been remanded to secure, jail-like facilities where many have remained for months. The children typically wear prison uniforms, and many are forced to mingle with the teenage convicts also housed in the facilities. Unlike the convicts, immigrant children get no legal representation, and no adult guardians are appointed to protect their interests.

This shameful treatment of children is a symptom of the broader problems plaguing U.S. immigration policy. It is a system that

allows legal U.S. residents to be detained indefinitely on the basis of secret evidence. It is a system that no longer gives judges discretion in deportation cases. And it is a system that even the INS's own chief has described as slow, inefficient and poorly managed.

The INS is expected to issue new rules that will require jails housing non-criminal INS detainees to meet specific standards of care. Immigrant advocates hope the new rules will give detainees the right to make phone calls, meet with lawyers and prevent guards from subjecting them to arbitrary strip searches.

Even if those rules pass, they should be only the first of many reforms initiated by the INS and Congress to ensure that all detainees—especially children—are treated more humanely by the U.S. government.

[From the Seattle Post-Intelligencer, Mar. 21, 2000]

IMMIGRATION LAW BUSTS UP FAMILIES

(By Llewelyn G. Pritchard)

Llewelyn G. Pritchard is a Seattle attorney at Helsell Fetterman. He is chairman of the American Bar Association Advisory Committee to the Immigration Pro Bono Development and Bar Activation Project. He is a former member of the boards of the Washington State Bar Association and the American Bar Association.

Lately we have been bombarded with media stories about immigrant families being ripped apart due to draconian measures undertaken by the U.S. Immigration and Naturalization Service.

There is the Atlanta story about the German mother of two who, having applied for citizenship, faces deportation instead because years ago she admitted to pulling another girl's hair over the affections of a boy.

There is the Falls Church, Va., mom who called police after repeatedly being beaten by her husband. She was arrested for biting him after he sat on her. She faces deportation and separation from her children, all of whom were born in the United States.

But we don't have to look beyond he boundaries of Washington to hear terrible tales.

There is the case of Emma Hay. This Puyallup mother of four—all U.S. citizens—is being deported. Her crime was to answer the telephone for a visiting relative who said he didn't speak English well enough to talk to the caller.

By simply saying her relative ''couldn't help the caller today, but could help tomorrow,'' Hay was caught in a drug sting and charged with ''using a communications facility to facilitate the distribution of cocaine.'' Although she claimed she wasn't aware of her cousin's activities, she pleaded guilty and was convicted on federal drug charges. She got no jail time, and was placed on probation for three years, which she successfully completed.

After living in our state for more than 20 years and running a restaurant, Hay now faces deportation. While the original incident earned her a probationary sentence because she agreed to plead guilty, it has now become a deportable offense.

Hay was grabbed by the INS upon returning from a vacation, all because the tough 1996 Illegal Immigration Reform and Immigrant Responsibility Act has tipped the legal scales against non-citizens * * *. This draconian law reclassifies past infractions and makes them deportable offenses even in cases where no prison time has been served or where there is evidence of rehabilitation.

This law also widely expanded the definition of aggravated felony. Non-citizens convicted of ''aggravated felonies'' are now not only deportable, but are also ineligible for a waiver from deportation or even judicial review.

Woe to the immigrant who applies to become a citizen only to be trapped in the INS web, as in the case of the German mother in Atlanta, or who seeks to re-enter the country as Hay did.

So now Hay sits in a Louisiana jail, thousands of miles away from her lawyer and her children, awaiting deportation. Her 20-year-old daughter has quit school to support the family.

What's the benefit of justice to her, her family or our country? There is none under this new act.

The INS has the fastest growing prison population in the United States. There are more than 17,000 immigrants detained, with predictions of 23,000 by year's end. Most detainees do not have legal representation, even though the INS adopted standards in 1998 allowing lawyer access in federal INS facilities.

The majority, or 60 percent, are warehoused in state and local jails, at great cost to our overburdened prison budget. Those folks are far away from immigration lawyers and have no guarantee of legal access. Even those in federal INS facilities are in remote areas and access is often difficult.

We should be outraged. This can't be happening in America. Newcomers live in all our communities, work at our sides, attend our churches and our schools. They are our neighbors and our friends.

But there is some good news.

The 60,000 member American Bar Association Section of Litigation, which will meet in Seattle in early April, announced that it will adopt our ABA immigration project as one of its pro bono efforts, pairing up with lawyers with detainees around the country.

Their efforts will help some of the most defenseless in our country. I applaud and welcome them in this worthy fight.

We must make certain that the basic premise and promise of our country is not forgotten: ''Justice for all.''

[From the Miami Herald, Jan. 9, 2000]

THE LITTLEST REFUGEES MERIT BETTER TREATMENT FROM INS

Immigration and Naturalization Service Commissioner Doris Meissner projects uncommon compassion. ''Both U.S. and international law recognize the unique relationship between parent and child,'' she said in announcing her decision to return 6-year-old Elian Gonzalez to his father in Cuba. ''Family reunification has long been a cornerstone of both American Immigration law and INS practice.''

Unfortunately her agency doesn't always practice what she preaches. Case in point: Two children, ages 8 and 10, were repatriated to Haiti while their mother, desperate with worry not knowing what had happened to them, was brought to Miami for medical care.

Yvena Rhinvil and her children were among some 400 passengers on the boat from Haiti that ran aground off Key Biscayne on New Years Eve. They were trying to enter the United States illegally. Both the Coast Guard and INS now say that they didn't know about the children. Had it known, INS says it would have tried to keep the kids with their mother.

But Ms. Rhinvil says she spoke of her kids both to an interpreter before being taken off the ship and once again on land. What mother wouldn't?

KIDS DON'T COME FIRST

If indeed the INS didn't know, it should have known before it sent the children back. Nobody asked, which is inexcusable. Fortunately an aunt watched Ms. Rhinvil's children. But who knows if there were other unaccompanied youths aboard that boat?

The problem is that the INS is not equipped either by mission or staffing to look out for the welfare of children. First and foremost it is an enforcement agency, charged with protecting our borders. Both policy and practice reflect it.

Another case: A 15-year-old Chinese girl remained in a Portland, Ore., juvenile jail more than six weeks after being granted asylum and after an uncle in New York had agreed to take her. She and five other teens fled China in April, only to spend eight months in a criminal facility.

Unfortunately, locking up minors such as these teens is not an exception. That's because INS practices regarding children vary widely by their nationality and INS district. Even though international law and common decency dictate that refugee children be detained only as a last measure and only for a short time, detention in criminal juvenile facilities happens regularly in some districts. Without caretakers and most often without legal advisers, what hope can detained children have of knowing or demanding their legal rights?

LITTLE PROTECTION

For the most part, the Florida INS District treats minors better than most. Unaccompanied children without U.S. relatives are often placed with Catholic Charities facilities such as Boystown. Children who arrive with parents are typically placed in a hotel until the family is deported or released from detention.

Ideally all minors could be released to caring relatives, and the INS frequently does this. Yet without the intervention of child-welfare authorities, there is little protection from abuse. The INS mandates such intervention only when the child is from China or India because of the track record of child servant-slaves. Yet Haitian children, too, have been known to be sold into servitude.

Capricious and inconsistent treatment of children simply is unacceptable when last year alone the INS had some 5,300 minors in its custody.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. MURKOWSKI, Mr. CLELAND, Mr. DURBIN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. JOHNSON, Mr. KENNEDY, Mr. EDWARDS, Mr. CAMPBELL, Mr. ABRAHAM, Mr. KERRY, Mr. FEINGOLD, Mr. SANTORUM, Mr. LEAHY, Mr. INHOFE, Mr. WELLSTONE, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Ms. SNOWE, Mr. HAGEL, Mr. BIDEN, Mr. MACK, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BRYAN, Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. REID, Mr. BREAUX, Mr. DODD, Mr. LIEBERMAN, Mr. KERREY, Mr. DASCHLE, Mr. JEFFORDS, and Mr. ROTH):

S. 2386. A bill to extend the Stamp out Breast Cancer Act; to the Committee on Governmental Affairs.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise to introduce the bill entitled the Breast Cancer Research Stamps Reauthorization Act of 2000. I am pleased that Senator KAY BAILEY HUTCHISON has joined me as the lead cosponsor.

The Breast Cancer Research stamp is the first stamp in our nation's history

dedicated to raising funds for a special cause. Since the stamp's issuance in the summer of 1998, the U.S. Postal Service has sold 164 million Breast Cancer Research stamps—raising over $12 million for breast cancer research. In addition, the stamp has focused public awareness on the devastating disease and has stood out as a beacon of hope and strength around which breast-cancer survivors can rally.

Unfortunately, without congressional action, the Breast Cancer Research stamp will expire on July 28, 2000. The Breast Cancer Research Stamp Reauthorization Act of 2000 would permit the sale of the Breast Cancer Research stamp for 2 additional years. The stamp would continue to cost 40 cents and sell as a first class stamp. The extra money collected will be directed to breast cancer research at the National Institutes of Health and the Department of Defense.

A Breast Cancer Research stamp remains just as necessary today as 2 years ago. Breast cancer is the most commonly diagnosed cancer among women in every major ethnic group in the United States. More than 2 million women are living with breast cancer in America, 1 million of whom have yet to be diagnosed.

Breast cancer continues to be the number one cancer killer of women between the ages of 15 and 54. This year alone, 182,800 women will be diagnosed with breast cancer, and 40,800 women will die from the disease. The disease claims another woman's life every 15 minutes in the United States.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. According to the American Association for Cancer Research, 8 million people are alive today as a result of cancer research. The bottom line is that every dollar we continue to raise will save lives.

I am pleased to report that this reauthorization bill has over 39 original cosponsors and broad support within the health community.

Let me just repeat a couple of the glowing comments from the many groups in support of this bill. It shows the truly astounding impact of this stamp.

The Susan G. Komen Foundation writes:

> The Breast Cancer Research stamp has not only raised millions of dollars by providing a convenient and innovative mechanism for public participation in the [battle against breast cancer], but it has also focused public awareness on this devastating disease.

Betsy Mullen of Women's Information Network—Against Breast Cancer adds:

> This bill, if passed will provide an innovative, simple and now proven way for individuals to make a substantial contribution to fund federal cancer research and to continue to be a part of what has become an effective public-private partnership.

The American Association of Health Plan attests:

> We've heard from our physicians about women who have scheduled examinations or mammograms after purchasing the stamp or receiving a card or letter posted with it.

Oliver Goldsmith, chairman of the Southern California Permanente Medical Group, writes:

> The Breast Cancer Research stamp captures the essence of innovation, volunteerism and partnership that are such an integral aspect of our country's history and spirit. This vital legislation will give all of us the opportunity to continue to work together to eradicate breast cancer. The American people can realistically continue to raise millions of dollars a year to fund cutting edge research to end this rampant disease that claims the lives of all too many breast cancer victims in this country and around the world.

Other supporters of the Breast Cancer Stamp Reauthorization Act of 2000 include the American Cancer Society, the American Medical Association, the Y-Me National Breast Cancer Organization, Leadership America, the National Association of Women's Health, the American Cancer League, the American College of Surgeons, Friends of Cancer Research, the California Nurses Association, the Association of Reproductive Health Care Professionals, and many others.

I urge my colleagues to join me in enacting this important legislation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. WELLSTONE):

S. 2387. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature deaths, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

GLOBAL HEALTH ACT OF 2000

Mr. LEAHY. Mr. President, today the Foreign Operations Subcommittee held its third hearing on global health since 1997. Our first hearing was the first of its kind in the Congress, when we highlighted how disease outbreaks and impoverished public health systems half a world away directly threaten Americans. Since then, the interest in these issues in the Congress, the Administration, the media and the public has skyrocketed.

Today, there are about a dozen pieces of legislation pending which deal with some aspect of global health, the President has proposed major increases in funding and policy initiatives to encourage the pharmaceutical companies to invest in new vaccines against HIV/AIDS, malaria, TB, and other major killers, and the World Health Organization is setting the pace for us all to tackle these challenges with new energy and new resources.

This sea change is a reflection of the magnitude of the challenges and opportunities, as well as a recognition of the essential role the United States must play in global health.

There is no need to recite at length what has spurred this interest, but I do want to cite a couple of illustrative facts:

In America, each year we spend over $4,000 per person on health care.

In the countries where 2 billion of the world's people live in desperate poverty, only $3 to $5 per person per year is spent on health care.

It would cost just $15 per person per year to address most of the urgent health needs of those 2 billion people.

With that $15 per person, we could prevent or cure the many millions of deaths caused by tuberculosis, malaria, pneumonia, diarrheal diseases, measles, HIV/AIDS, and pregnancy related diseases.

That is the challenge we face. The benefits to the world, and to the United States, should be obvious. In an increasingly interdependent world, reducing the threats posed by infectious diseases and poor reproductive health, and the social and economic consequences of poverty and disease, is absolutely key to our own future security and prosperity.

The Congress has become increasingly seized with these issues. However, while I strongly support most of the bills that have been introduced—and I am a cosponsor of Senator KERRY's ''Vaccines for the New Millennium Act,'' they have tended to focus narrowly on the eradication of specific diseases and the development of new vaccines.

These are admirable and important goals, but I have always believed that global health consists of a broader set of issues that must be addressed together. Our primary challenge is to provide the resources to enable developing countries to build the capacity—both human and infrastructure, to support effective public health systems. That was the motivation for my infectious disease initiative three years ago, which since then has provided an additional $175 million to support programs in surveillance, anti-microbial resistance, TB, and malaria.

Today, in an effort to build on that initiative, I am introducing new legislation to authorize an additional $1 billion to support five key components of global health. The ''Global Health Act of 2000,'' targets HIV/AIDS; other deadly infectious diseases such as TB, malaria, and measles; children's health; women's health; and family planning.

Together, these five groups of issues account for over 80 percent of the disproportionate burden of disease and death borne by the 2 billion people living in the world's poorest countries. This legislation, an identical version of which Congressman JOSEPH CROWLEY has introduced in the House, has the strong support of the Global Health Council, the world's largest consortium of private and public companies and organizations, agencies and governments, involved in public health.

We have the technology to do this. The key missing ingredient is political will, and resources.

We can, and we must, recognize that we need to think in terms of far larger amounts of money if we are serious about global health. Every dollar of the additional $1 billion called for in my legislation, which is approximately double the amount we currently spend on these activities, is justified and urgently needed. And the payoff would be enormous, both in terms of lives saved and in future health care cost savings.

Senator MCCONNELL, the chairman of the Foreign Operations Subcommittee, has been a strong supporter of global health, and I will be working in the Appropriations Committee to obtain the funds we need to achieve these goals.

By Mr. ROTH;

S. 2389. A bill to provide additional assistance for fire and emergency services, and for other purposes; to the Committee on Environment and Public Works.

21ST CENTURY FIRE AND EMERGENCY SERVICES ACT OF 2000

• Mr. ROTH. Mr. President, firefighters and EMS personnel are truly our nation's first responders. When the tragic images of natural or manmade disasters flash across our TV screens, there is one image that stands alone. The American firefighter is always there to rescue the family from a burning building, always there in the wake of a natural disaster, and is always there should a terrorist strike in our nation's heartland. These scenes are played out around our country on a daily basis. And while we see these images on TV as just a part of our society today, what is not realized is the cost our first responders bear.

The 1.2 million men and women that serve in our nation's 32,000 fire departments do so with little fanfare, and often with little or no pay. Our nation's first responders ask very little of us, but, thankfully, they are always there when we need them.

That is why I have introduced the 21st Century Fire and Emergency Services Act which is a companion to the House-passed legislation. This legislation is an important step forward for the fire and EMS community.

Every year I hear from fire departments in Delaware who are looking to acquire state-of-the-art equipment to enhance their performance on a fire scene, or attempting to secure funding to train personnel in arson detection. I also hear from fire personnel seeking funds to create all-important fire prevention programs at local elementary schools. These are just a few examples. The point is that for all too many departments, after the general operating expenses are calculated, there is no funding for this equipment or special program. Funds raised through chicken dinners, bingo and bake sales can only go so far.

Back home, the Delaware Volunteer Firemen's Association is sending out the call for help. My legislation establishes two grant programs at the Federal Emergency Management Agency. The first is an $80 million competitive grant program for volunteer and paid fire and emergency services departments. With these 50/50 matching grants, I believe this legislation will give departments throughout our country an opportunity to have the thermal imaging camera or the health and wellness program needed to help them do their jobs even better.

Second, this bill establishes a $10 million burn research grant program through FEMA. Under this program, safety organizations, hospitals, and governmental and nongovernmental entities that are responsible for burn research, prevention, or treatment are eligible for competitive grants to continue their important work.

Finally, this bill recognizes the contributions of volunteer firefighters by providing $10 million to fully fund the USDA's Volunteer Fire Assistance Program. This program allows the nearly 28,000 rural fire departments nationwide to apply for cost-share grants for training, equipping and organizing their personnel. These rural fire departments represent the first line of defense for rural areas coping with fires and other emergencies.

Personally, I am excited about the technology that is available to first responders today, and I am committed to working to ensure that every department in Delaware and throughout the country has the tools it needs to make us all safer in our homes and communities. Let's not wait for the next disaster to hear the call.

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. 2389

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 ''21st Century Fire and Emergency Services Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''Agency'' means the Federal Emergency Management Agency.

(2) BURN PROGRAM.—The term ''burn program'' means the Burn Services Grant Program established by section 3(a).

(3) DIRECTOR.—The term ''Director'' means the Director of the Agency.

(4) FIRE PROGRAM.—The term ''fire program'' means the ''Fire Services Grant Program'' established under section 4(a).

SEC. 3. BURN SERVICES GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established within the Agency a grant program to be known as the ''Burn Services Grant Program''.

(b) COMPETITIVE GRANTS.—The Director may make a grant under the burn program, on a competitive basis, to—

(1) a safety organization that has experience in conducting burn safety programs, for the purpose of assisting the organization in conducting or augmenting a burn prevention program;

(2) a hospital that serves as a regional burn center, for the purpose of conducting acute burn care research; or

(3) a governmental or nongovernmental entity, for the purpose of providing after-burn treatment and counseling to individuals that are burn victims.

(c) PROGRAM OFFICE.—The Director shall establish within the Agency an office to—

(1) establish criteria for use by the Director in awarding grants under the burn program; and

(2) administer grants awarded under the burn program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 4. FIRE SERVICES GRANT PROGRAM.

(a) ESTABLISHMENT.—The Director shall establish within the Agency a grant program known as the ''Fire Services Grant Program'' to award grants to volunteer, paid, and combined volunteer-paid departments that provide fire and emergency medical services.

(b) USE OF FUNDS.—A grant awarded under the fire program may be used to—

(1) acquire—

(A) personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration; and

(B) other personal protective equipment for firefighting personnel;

(2) acquire additional firefighting equipment, including equipment for communication and monitoring;

(3) establish wellness and fitness programs for firefighting personnel to reduce the number of injuries and deaths related to health and conditioning problems;

(4) promote professional development of fire code enforcement personnel;

(5) integrate computer technology to improve records management and training capabilities;

(6) train firefighting personnel in—

(A) firefighting;

(B) emergency response; and

(C) arson prevention and detection;

(7) enforce fire codes;

(8) fund fire prevention programs and public education programs on—

(A) arson prevention and detection; and

(B) juvenile fire setter intervention; and

(9) modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

(c) APPLICATIONS.—An applicant for a grant awarded under the fire program shall submit to the Director an application that includes—

(1) a demonstration of the financial need of the applicant;

(2) evidence of a commitment by the applicant to provide matching funds from non-Federal sources for the project that is the subject of the application in an amount that is at least equal to the amount of funds requested in the application;

(3) a cost-benefit analysis linking the funds requested to improvements in public safety; and

(4) a commitment by the applicant to provide information to the National Fire Incident Reporting System for the period for which the grant is received.

(d) AUDITS.—The Director shall conduct audits of grant recipients to ensure that grant funds are used for the purposes for which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000, to remain available until expended.

SEC. 5. COOPERATIVE FORESTRY ASSISTANCE.

The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out paragraphs (1) through (3) of section 10(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)), not to exceed $10,000,000, to remain available until expended.●

By Mr. DEWINE (for himself, Mr. WARNER, Mr. HUTCHINSON, Mr. SESSIONS, Mr. HELMS, and Mr. ABRAHAM):

S. 2390. 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.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

● Mr. DEWINE. Mr. President, I come to the floor today because I am troubled. Guns are falling into the wrong hands. It's killing our children. It's killing our friends and our neighbors. It's creating mayhem in communities across America. That's why I'm introducing Project Exile: The Safe Streets and Neighborhoods Act of 2000.

It's no secret that gun control measures are very controversial and are subject to a great deal of debate—as they should be. But, in the heat of that debate, we must not lose sight of the real issue—gun violence. There is nothing controversial about protecting our children, our families and our communities by keeping guns out of the wrong hands—the hands of armed criminals—not law-abiding citizens, Mr. President, but criminals.

The Safe Streets and Neighborhoods Act offers a simple, commonsense approach to fighting gun violence. My bill would provide $100 million in grants over 5 years to those states agreeing to impose mandatory minimum 5-year jail sentences on criminals who use or possess an illegal gun. As an alternative, a state can also qualify for the grants by turning armed criminals over for federal prosecution under existing firearms laws. Therefore, a state has the option of having armed felons prosecuted in state or federal courts. Qualifying states can use their grants for any purpose that would strengthen the ability of their criminal or juvenile justice systems to deal with violent criminals.

Back in 1991, the Federal Government implemented a program to aim antigun violence efforts at the root of the problem—at criminals. This program—known as project Triggerlock—directed every U.S. attorney to coordinate with federal, state, and local investigators to bring federal weapons charges against armed criminals. Sentences for these prosecutions wee generally more severe than they would have been under state laws. The program was hugely successful. In fact, simply by making gun prosecutions a federal priority, starting in 1991, Project Triggerlock took away over 2,000 guns from violent felons in just 18 months.

Tragically, Mr. President, despite the success of Project Triggerlock, the current administration has not aggressively prosecuted all armed criminals. Between 1992 and 1998, for example, the number of gun cases filed for prosecution dropped from 7,048 to about 3,807—that's a 46-percent decrease. As a result, the number of federal criminal convictions for firearms offenses have fallen dramatically.

Even worse, some federal firearms laws are almost never enforced by this administration. While Brady law background checks have stopped nearly 300,000 prohibited purchasers of firearms from buying guns, less than one-tenth of one percent have been prosecuted. Similarly, federal criminal prosecutions for possession of a firearm on school grounds numbered just eight in 1998, despite the fact that 6,000 individuals were caught carrying guns to school. There's something wrong with this picture, Mr. President, something terribly wrong.

I believe most Americans would agree that we should take guns out of the hands of armed criminals. I believe that most Americans would agree that criminals who possess a firearm or use a firearm during the commission of a violent crime or a serious drug trafficking offense should face severe penalties. And, Mr. President, I also believe that most Americans would favor legislation that offers a single, noncontroversial, commensense approach to fighting gun violence.

So, today, I, along with my colleagues, introduce Project Exile: The Safe Streets and Neighbors Act, which builds on the previous success of programs like Project Triggerlock and offers the kind of practical solution we need to thwart gun crimes.

This approach works, Mr. President. For example, in 1997, Virginia revived Project Triggerlock under the name ''Project Exile.'' Specifically, the city of Richmond and the U.S. attorney implemented a program based on one simple principle: any criminal caught with a gun serves a minimum mandatory sentence of 5 years in federal prison. Period. End of story. As a result, gun-toting criminals are being prosecuted six times faster, and serving sentences up to four times longer than they otherwise would under state law. Moreover, the homicide rate in Richmond already has dropped 40 percent.

It is clear that programs like Project Triggerlock and Virginia's Project Exile work, while at the same time being very simple. But still, federal gun prosecutions have declined considerably during this administration because it has not emphasized these programs. Why? I have repeatedly questioned Attorney General Reno and her deputies about this decline, and their standard response is that the Department of Justice is focusing on so-called ''high-level'' offenders, instead of ''low-level'' offenders who commit a crime with a gun. With all due respect, I consider that response to be bureaucratic nonsense. One thing I learned as Greene County Prosecutor in my home state of Ohio is that any criminal who commits a crime with a gun is a high-level offender. And, I'm willing to bet that any citizen who has ever been a victim of a gun-crime would agree.

Furthermore, the idea that there are a lot of so-called ''low-level'' offenders, who commit only one crime with a gun, is just plain wrong. The average armed criminal commits 160 crimes a year; that is an average of three crimes per week. These people are, by themselves, walking crime waves.

Along the same lines, Attorney General Reno recently said that she would aggressively prosecute armed criminals, but only if they commit a violent crime. Again, that type of law enforcement policy just does not make sense. Current law prohibits felons from possessing guns—we should enforce the law. We should aggressively prosecute armed criminals before they use those guns to injure and kill people.

We need to take all of these armed criminals off the streets. That is how we will prevent crime and save lives. Why wait for armed criminals to commit more heinous crimes before we prosecute them to the full extent of the law? Why wait when we can do something that will make a difference now, before another Ohioan—or any American—becomes a victim of gun violence.

Every state should have the opportunity to implement Project Exile in their high-crime communities. The bill that we are introducing today will make this proven, commonsense approach to reducing gun violence available to every state. Programs like Project Triggerlock and Project Exile will take guns out of the hands of violent criminals. They will make our neighborhoods safer. They will save lives.

We can take concrete steps toward making our streets and neighborhoods safer from armed criminals by passing the ''Safe Streets and Neighborhoods Act.'' I urge my colleagues on both sides of the aisle to support and pass this legislation. It's time to protect our children and our families. It's time to get guns out of the wrong hands. It's time we take back our neighborhoods and our communities from the criminals and take action to stop gun crimes.●

By Mr. ROTH:

S. 2391. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydrol - 4 - cyclopropyethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

S. 2392. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4E-cyclopropyethynyl - 4 - trifluoro–methyl-2(1H)-quinazolinone; to the Committee on Finance.

LEGISLATION TO TEMPORARILY REDUCE TARIFFS ON HIV-COMBATING DRUGS

Mr. ROTH. Mr. President, I rise today to introduce two bills, each of

which would temporarily suspend the tariff collected on imports of two HIV-combating drugs, thus lowering their price for HIV-infected consumers in the United States.

The two drugs are DPC 961 and DPC 083. They have been selected from hundreds of candidates to have superior attributes relative to currently marketed similar drugs. As such, their combined potency, excellent resistance profile, lower protein binding, and longer plasma half life increases the probability that these drugs will successfully treat both HIV patients who have not previously had a similar treatment as well as those HIV patients who have already developed resistance to currently available agents. According to publicly available information, there is no other HIV treatment in clinical trials that is expected to be able to treat most patients with resistance to currently available agents. DPC 961 and DPC 083 are also expected to have the advantage of once daily therapy.

In addition, it is my expectation that the revenue impact of these measures will be determined by the Congressional Budget Office to be de minimus. There is no manufacturer of these drugs in the United States. It is my hope that these measures will win the unanimous support of my colleagues.

By Mr. DURBIN (for himself and Mr. FEINGOLD):

S. 2393. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

THE REASONABLE SEARCH STANDARDS ACT

• Mr. DURBIN. Mr. President, I rise today to introduce the Reasonable Search Standards Act. This act prohibits racial or other discriminatory profiling by Customs Service personnel. Representative JOHN LEWIS from Georgia has introduced similar legislation in the House.

Two years ago, I requested a GAO study of the U.S. Customs Service's procedures for conducting inspections of airport passengers. The need for this study grew out of an investigation report by Renee Ferguson of WMAQ–TV in Chicago and several complaints from African-American women in my home state of Illinois who were strip-searched at O'Hare Airport for suspicion of carrying drugs. No drugs were found and the women felt that they had been singled out for these highly intrusive searches because of their race. These women, approximately 100 of them, have filed a class action suit in Chicago.

The purpose of the GAO study was to review Customs' policies and procedures for conducting personal searches of airport passengers and to determine the internal controls in place to ensure that airline passengers are not inappropriately targeted or subjected to personal searches.

Approximately 140 million passengers entered the United States on international flights during fiscal years 1997 and 1998. Because there is no data available on the gender, race and citizenship of this traveling population, GAO was not able to determine whether specific groups of passengers are disproportionately selected to be searched.

However, once passengers are selected for searches, GAO was able to evaluate the likelihood that people with various race and gender characteristics would be subjected to searches that are more personally intrusive, such as strip-searches and x-rays, rather than simply being frisked or patted down.

The GAO study revealed some very troubling patterns in the searches conducted by U.S. Customs Service inspectors.

GAO found disturbing disparities in the likelihood that passengers from certain populations groups, having been selected for some form of search, would be subjected to the more intrusive searches including strip-searches or x-ray searches. Moreover, that increased likelihood of being intrusively searched did not always correspond to an increased likelihood of actual carrying contraband.

Because of the intrusive nature of strip-searches and x-ray searches, it is important that the Customs Service avoid any discriminatory bias in forcing passengers to undergo these searches.

GAO found that African-American women were much more likely to be strip-searched than most other passengers. This disproportionate treatment was not justified by the rate at which these women were found to be carrying contraband. Certain other groups also experienced a greater likelihood of being strip-searched relative to their likelihood of being found carrying contraband.

Specifically, African-American women were nearly 3 times as likely as African-American men to be strip-searched, even though they were only half as likely to be found carrying contraband. Hispanic-American and Asian-American women were also nearly 3 times as likely as Hispanic-American and Asian-American men to be strip-searched, even though they were 20 percent less likely to be found carrying contraband.

In addition, African-American women were 73 percent more likely than White-American women to be strip-searched in 1998 and nearly 3 times as likely to be strip-searched in 1997, despite only a 42 percent higher likelihood of being found carrying contraband. Moreover, among non-citizens, White men and women were more likely to be strip-searched than Black and Hispanic men and women, despite lower rates of being found carrying contraband.

As with strip-searches, x-rays are personally intrusive and it is of particular concern that the Customs Service avoid any discriminatory bias in requiring x-ray searches of passengers suspected of carrying contraband.

GAO found that African-Americans and Hispanic-Americans were much more likely to be x-rayed than other passengers. This disproportionate treatment was not justified by the rate at which these passengers were found to be carrying contraband.

Specifically, GAO found that African-American women were nearly 9 times as likely as White-American women to be x-rayed even though they were half as likely to be carrying contraband. African-American men were nearly 9 times as likely as White-American men to be x-rayed, even though they were no more likely than White-American men to be carrying contraband. Moreover, Hispanic-American women and men were nearly 4 times as likely as White-American women and men to be x-rayed, even though they were only a little more than half as likely to be carrying contraband. And among non-citizens, Black women and men were more than 4 times as likely as White women and men to be x-rayed, even though Black women were only half as likely and Black men were no more likely to be found carrying contraband.

For these reasons, I am introducing the Reasonable Search Standards Act. This bill is a direct response to the concerns raised by the GAO report. The bill prohibits Customs Service personnel from selecting passengers for searches based in whole or in part on the passenger's actual or perceived race, religion, gender, national origin, or sexual orientation.

To ensure that a sound reason exists for selecting someone to be searched, the bill requires Customs Service personnel to document the reasons for searching a passenger before the passenger is searched. The only exception to this requirement is when the Customs official suspects that the passenger is carrying a weapon.

The bill also requires all Customs Service personnel to undergo periodic training on the procedures for searching passengers, with a particular emphasis on the prohibition on profiling. The training shall include a review of the reasons given for searches, the results of the searches and the effectiveness of the criteria used by Customs to select passengers for searches.

Finally, the bill calls for an annual study and report on detentions and searches of individuals by Customs Service personnel. The report shall include the number of searches conducted by Customs Service personnel, the race and gender of travelers subjected to the searches, the type of searches conducted—including pat down searches and intrusive non-routine searches—and the results of these searches.

With this proposed legislation, I call on the Congress of the United States to act, to make a commitment giving all persons entering and leaving our borders, regardless of gender, race, color,

religion, or ethnic background, the right to be treated fairly.

Lyndon B. Johnson once said, ''I am a free man, an American, a United States Senator, and a Democrat, in that order.'' I am also all of these, in that order.

As a man, I am saddened that, in this new millennium, women and minorities are disproportionately selected for intrusive searches at our nation's borders.

As an American, I am deeply troubled by the thought that any citizen, or non-citizen, might be detained and stripped or x-rayed because of their gender or the color of their skin.

As a United States Senator, I am proposing legislation to prohibit racial or other inappropriate profiling and establish statutory procedures to track and prevent disproportionate search rates. This approval reflects our nation's basic posture of common sense and common justice.

I implore my colleagues to examine this issue from the viewpoint of the nation and its entire people. In the immortal words of John F. Kennedy, ''The rights of every man are diminished when the rights of one man are threatened.''●

(By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. HELMS, Mr. KERREY, Mrs. BOXER, Mr. INOUYE, Mr. SANTORUM, Mr. TORRICELLI, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. KERRY, Mr. DEWINE, Mr. EDWARDS, Mr. CLELAND, Mr. LIEBERMAN, Mr. LEVIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Mrs. MURRAY, Ms. MIKULSKI, and Mr. SPECTER):

S. 2394. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

THE TEACHING HOSPITAL PRESERVATION ACT OF 2000

● Mr. MOYNIHAN. Mr. President, today I am introducing a bill—The Teaching Hospital Preservation Act of 2000—that would provide much needed financial support for America's 144 accredited medical and osteopathic schools and 1,250 graduate medical education (GME) teaching institutions. Teaching hospitals are national treasures; these institutions are the very best in the world. Yet, today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States.

Markets do not provide for public goods such as teaching hospitals. Everyone benefits from public goods but no one has any incentive to pay. It follows, therefore that for the most part teaching hospitals have to be paid for by the public either indirectly through tax exemption or directly through expenditure.

The legislation I am introducing is similar to S. 1023—The Graduate Medical Education Payment Restoration Act of 1999—a bill I introduced during the first session. Congressman RANGEL is introducing an identical bill in the House today.

My particular interest in this subject began in 1994, when the Finance Committee took up the President's Health Security Act. I was Chairman of the Committee at the time. In January of that year, I asked Dr. Paul Marks, M.D., President of Memorial Sloan-Kettering Cancer Center in New York City, if he would arrange a ''seminar'' for me on health care issues. He agreed, and gathered a number of medical school deans together one morning in New York.

Early on in the meeting, one of the seminarians remarked that the University of Minnesota might have to close its medical school. In an instant I realized I had heard something new. Minnesota is a place where they open medical schools, not close them. How, then, could this be? The answer was that Minnesota, being Minnesota, was a leading state in the growth of competitive health care markets, in which managed care organizations try to deliver services at lower costs. In this environment, HMOs and the like do not send patients to teaching hospitals, absent which you cannot have a medical school.

We are, my friends, in the midst of a great era of discovery in medical science—an era which might end prematurely if we are not careful with our finances. It is certainly not a time to close medical schools. This great era of medical discovery is occurring right here in the United States, not in Europe like past ages of scientific discovery. And it is centered in New York City. Progress over the past 60 years has been remarkable: images of the inside of the human body based on the magnetic resonance of bodily tissues; laser surgery; micro surgery for reattaching limbs; and organ transplantation, among other wonders. Physicians are now working on a gene therapy that might eventually replace bypass surgery. I can hardly imagine what might be next.

The growth of managed for-profit care, which does not fund public goods, combined with reductions in Medicare support for GME, is having a deleterious effect on the financial position of teaching hospitals. The Medicare program is the nation's largest explicit financier of GME, with annual payments of about $5.4 billion in 1999. However, because of payment reductions set forth by the Balanced Budget Act (BBA) of 1997, Medicare support is eroding as well—down from $6.3 billion in 1997. According to the Medicare Payment Advisory Commission, between 1997 and 1998, the margins for major teaching hospital have been slashed by more than half, and are at their lowest point of the century. And this is an average; individual hospitals have fared far worse.

With declining margins and many hospitals operating in the red, the mission of these fine institutions is in jeopardy. The teaching hospitals that we know and depend on today—including those in my state of New York—may not be able to continue their work, or even to survive. If this is to happen, we could face what Walter Reich has called ''the dumbing down of American medicine.''

Last year, we forestalled some cuts enacted in the BBA by passing the Balanced Budget Refinement Act (BBRA) of 1999, however, this legislation provided only short-term relief and does not go for enough. To ensure that this precious public resource is maintained and the United States continues to lead the world in quality health care, my bill, the Teaching Hospital Preservation Act of 2000 would maintain critically required funding.

The Teaching Hospital Preservation Act of 2000, with a total of 23 cosponsors, would freeze the scheduled reductions to the indirect portion of GME funding. Under the BBA, the indirect payment adjustor was scheduled to be reduced from 7.7 percent to 5.5 percent by FY 2001. Last year, the BBRA slowed the cuts by holding the indirect payment adjuster at 6.5 percent in FY 2000, 6.25 percent in FY 2001 and 5.5 percent in FY 2002 and thereafter. BBRA restored about $500 million—over 5 years—in funding for teaching hospitals. The bill I introduce today would maintain the indirect payment adjuster at 6.5 percent. In total, this bill restores about another $2 billion over 5 years in GME funding for teaching hospitals.

This bill would protect our nation's teaching hospitals and ensure that the United States will continue to be in the forefront of developing new cures, new medical technology, and training of the worlds finest medical professionals. Without this bill, the state of our nation's teaching hospitals and the delivery of health care will remain in jeopardy.

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. 2394

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 ''Teaching Hospital Preservation Act of 2000''.

SEC. 2. REVISION OF REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) (as amended by section 111(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–329), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(1) in subclause (IV), by adding ''and'' at the end; and

(2) by striking subclauses (V) and (VI) and inserting the following:

''(V) on or after October 1, 2000, 'c' is equal to 1.6.''.●

• Mr. KENNEDY. Mr. President, the Teaching Hospital Preservation Act that we are introducing today will restore much-needed support for the nation's teaching hospitals by freezing the Medicare Indirect Medical Education adjustment at 6.5 percent. The so-called IME payments under Medicare go to teaching hospitals to help defray their added costs of caring for the sickest patients, training physicians, and providing an environment in which clinical research can flourish. Under current law, the IME payments will be reduced from their current level of 6.5 percent to 6.25 percent for fiscal year 2001 and 5.5 percent for fiscal year 2002 and future years. If these reductions take place, they will have a devastating impact on the nation's teaching hospitals.

Enactment of this relief is essential to complete the task we began last year in the Balanced Budget Restoration Act of 1999. Across the country, teaching hospitals continue to suffer severe financial losses. According to the Association of American Medical Colleges, even with enactment of last year's measure, the typical teaching hospital will still lose more that $40 million in Medicare payments between 1998 and 2002. At the most recent meeting of the Medicare Payment Advisory Committee, it was reported that the margins of major teaching hospitals dropped from 5.1 percent in 1997 to 2.3 percent in 1998. Notwithstanding major efforts by the leadership of this institutions to reduce their costs, there is every reason to believe this ominous trend is continuing.

In Boston, teaching hospitals lost $22 million just in the first quarter of the current fiscal year, and Boston is far from alone. The financial problems of the nation's pre-eminent teaching hospitals around the country are well-known. Cutbacks in care for patients, research, and teaching have already been implemented by many of these respected institutions, and are being considered by many others. These teaching hospitals are the backbone of our health care system, and Congress should not stand silent in the face of these distressing developments.

Teaching hospitals are facing substantially higher costs for drugs, labor, medical devices and new technologies. The tight labor market is pushing wages higher and higher. Despite these heavy financial pressures. Medicare is scheduled to impose serious cutbacks in its reimbursements to teaching hospitals. The result of this shortfall may well be disastrous for these indispensable institutions.

A significant part of the problem was caused by the excessive and unintended Medicare reductions required by the Balanced Budget Act of 1997. Last year's Balanced Budget Restoration Act delayed reductions in the IME adjustment. That relief was an important first step, but it was only a first step. The legislation we are introducing today will ensure that Medicare support for teaching hospitals remains at its current level.

The pre-eminence of American academic medicine is at stake. The nation's teaching hospitals provide the highest quality health care to the sickest patients. They ensure the highest quality physicians training, and an unparalleled research capability. In addition, teaching hospitals are the safety net for 44 percent of the uninsured, despite comprising only 6 percent of all hospitals. They perform a vast array of services to their communities, from neighborhood health programs to drug treatment programs to well baby clinics. All of these programs are in jeopardy if the currently scheduled cutbacks take place. We cannot afford to let teaching hospitals fail. I urge my colleagues to join us in enacting this important bill this year.•

By Mr. BENNETT:

S. 2396. A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

LEGISLATION REGARDING THE WEBER BASIN WATER CONSERVANCY DISTRICT

Mr. BENNETT. Mr. President, I am pleased to take a step in addressing the long-term water needs of Summit County, Utah. The bill I am introducing today, to make a necessary technical correction, authorizes the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District. This legislation would permit non-federal water intended for domestic, municipal, industrial, and other uses to utilize federal facilities of the original Weber Basin Project for various purposes such as storage and transportation.

In this case, the Smith Morehouse Dam and Reservoir was constructed by the Weber Basin Water Conservancy District in the early 1980's using local funding resources in order to create a supply of non-federal project water. However, it has been determined that there is currently a need to deliver approximately 5,000 acre feet of this non-federal Smith Morehouse water in conjunction with approximately 5,000 acre feet of federal Weber Basin project water to the Snyderville Basin area of Summit County, Utah and to Park City, Utah.

In 1996, the Weber Basin Water Conservancy District entered into aMemorandum of Understanding and Agreement to deliver this water approximately 14 miles from Weber Basin Weber River sources within a certain time frame and dependent upon the execution of an Interlocal Agreement with Park City and Summit County. The Warren Act requires that legislation be enacted to enable the District to move ahead with this agreement with Summit County and Park City to deliver the water utilizing Weber Basin Project facilities built by the Bureau of Reclamation.

There is an immediate need for the delivery of water to this area. The Utah State Engineer halted the approval of new groundwater developments in the area last year. At the same time, Summit County is experiencing tremendous growth; in fact it is one of the highest growth areas in the state. Within the areas to be served, taxed by the Weber Basin District, there is a definite public need for an adequate, reliable, and cost effective water delivery project in order to meet the future demands of this area.

Since there is precedent allowing the wheeling of non-federal water through federal facilities, my colleagues should realize that this is a non-controversial piece of legislation. Therefore, I hope that Congress will move quickly to pass this legislation next session and I look forward to working closely with my colleagues on the Committee on Energy and Natural Resources to move it quickly.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. SANTORUM, Mr. SPECTER, Ms. MIKULSKI, Mr. SARBANES, and Mr. KERREY):

S. 2398. A bill to amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation; to the Committee on Health, Education, Labor, and Pensions.

ORGAN TRANSPLANTATION FAIRNESS ACT OF 2000

Mr. FITZGERALD. Thank you, Mr. President.

Mr. President, I rise today to introduce the Organ Transplantation Fairness Act of 2000.

I thank my original cosponsors on this bill: Senators SCHUMER, DURBIN, SANTORUM, SPECTER, MIKULSKI, SARBANES, and KERREY.

Our Nation's organ procurement and transplant system is in serious need of change.

We could be saving more lives through organ transplants in this country than we are at the present time.

The purpose of our bill and the goals of our bill are threefold.

First, we want to increase the amount of organs that are being donated all across the country.

There are many more people who need to receive organs to remain alive. They need organ transplants, and there are not a sufficient number of people donating those organs. This bill attempts to address that issue.

Second, we want to bring greater fairness to how we allocate scarce organs after they are donated.

Right now those organs are not allocated in the best possible way. And because of problems in our allocation system, people are dying unnecessarily. We could be saving more lives.

The third goal of the bill is to seek to implement many of the recommendations of the Institute of Medicine in

their 1999 report entitled ''Organ Procurement and Transplantation.''

In attempting to improve the system of organ procurement transplants in this country, we have picked out many of the Institute of Medicine's recommendations, and we tried to enact them into law. Our system is saving many more lives than it used to.

Organ transplantation is fairly new to this country. If you go back 20 years or so, there were very few organs being transplanted. But now many more people are benefiting and going on to live healthy lives thanks to people who have donated organs, and thanks to successful transplants. But as many lives as our system has saved, we are not saving as many lives as we could.

I have a chart to demonstrate this. As of today, there are over 68,000 American patients waiting for a life-saving organ transplant.

In 1998, the most recent statistics available, over 4,800 people died while on that organ transplant waiting list.

That means about 13 people a day are dying in this country while waiting to get an organ that can be transplanted into their bodies.

I said earlier that we are not saving as many lives as we could save.

Let me demonstrate why that is the case, and why we know we are not saving enough lives.

According to the Department of Health and Human Services, in 1998, some 71 percent of livers were transplanted to patients in the least urgent medical status categories. But at the same time that we were transplanting those livers into patients in the least urgent medical status categories, in the same year, 1,300 patients died while waiting for a liver.

How can it be that we are transplanting livers into patients who aren't in the most critically ill categories, while at the same time people in the most critical condition were dying for lack of a liver transplant?

The reason for that is we have a system in our country that is based on where you live. Whether you live or die because of an organ transplant may depend not on how sick you are but on where you live in this country.

Let's examine this a little bit more closely.

There is a private not-for-profit corporation in this country that has been given the authority to be in charge of our Nation's organ transplant and procurement network. They have set up a series of regions. They divided the whole country into regions. There are organs that are available within those regions. But if you live outside one of the regions where an organ is available, you are not liable to get one of the organs when it comes up.

As a Senator from Illinois, I think the simplest thing for me to do in illustrating this problem is to use Illinois as an example. Most of Illinois is in organ procurement organization district 29. You can have a patient who lives in northern Illinois, just a few miles from the border of Wisconsin, and this patient could need a liver transplant. He or she could be in status 1 medical condition, which means he or she is in the most critical category and in need of a liver transplant immediately. A liver may become available just over the border in region 37, the Wisconsin network. But that liver can't be sent to the person in Illinois because that person in Illinois is in region 29—not 37.

If a liver becomes available from a donor in Wisconsin, they will first look to see if they have a very critically ill person who needs a liver transplant in region 37. If they don't find such a person, then they will go to somebody who is in a less urgent situation who doesn't need the liver as quickly as that other person in Illinois. Thus, somebody who may be in status 2, or even what they call status 3 medical condition, which isn't as critical as status 1, could get the liver transplant up in Wisconsin. But that person a few miles south of the border who needs the liver immediately, because he or she happens to live in Illinois, cannot get it. If an organ doesn't become available in that region in which he or she lives, that person may not survive.

There is a saying in the real estate industry by the real estate brokers and agents. When you go to them, they always tell you that everything and the value of your home depends on ''location, location, location.'' I bet not many Americans realize that in some cases if you are in need of a liver transplant or a heart transplant, your chances of survival are going to depend on your location, your location, your location.

The purpose of our bill is to try to open this system up, and instead of directing the organs to the people depending on where they live, instead of determining whether people are going to live or die simply based on accidents of geography, we try to bring sense to this whole system. We try to get organs to people in the most critical need of those organs as soon as possible. We would hope to get those to the sickest people as soon as possible—the sickest people who have the chance of going on and having a successful transplant.

There comes a point when your organs are so damaged and you are so sick that it could be that a transplant would no longer help you. Certainly, we have to be careful to make sure that we get the organs to those who are the sickest but who still have a good chance of surviving an organ transplant.

In addition, attempting to get the organs to the sickest patients first, making that our Nation's public policy, we would like to encourage a broader sharing of organs.

The Institute of Medicine's report suggested that each of these areas should contain at least 9 million people. That is the minimum level for optimal sharing to get the organs out and save the most lives. We want to make sure we broaden these networks.

It isn't possible in all cases for all organs to be shared nationally. With the heart, for example, a heart cannot last much more than 4 hours after it has been given by a donor. It has to be transplanted quickly. Other organs, such as kidneys, my understanding is we can preserve them for over 24 hours, or even longer, and in that circumstance it would be possible to have more nationwide sharing to get those organs allocated to the people who need them the most.

Another important provision of our legislation is to take a strong stand for the proposition that the private not-for-profit corporation that now runs the whole Nation's organ procurement and transplant network should have some public accountability. Members may have heard that a bill passed by the House of Representatives provides no public accountability for this private corporation that has life or death control over at least 68,000 Americans. There is no accountability in that bill. They wouldn't be accountable to elected officials. They could not be regulated by the Department of Health and Human Services. If people had a complaint with how that organization was being run, there would be little or no recourse. I guess you could knock on their doors at their corporate headquarters in Richmond, VA, and ask them to listen to you, but they wouldn't have to. They are private not-for-profit corporations with no responsibility to make sure the best public policy goals of this country are achieved.

I don't think that is right. I think we want this corporation to be publicly accountable to make sure that it is meeting the objectives of the laws that are on the books and serving the public interest.

In addition, the Organ Transplantation Fairness Act of 2000 would create a national organ transplant advisory board. It implements the recommendations of the Institute of Medicine in this regard by creating an advisory board that reviews the organ procurement and transplantation network policies and advises the Secretary of our Department of Health and Human Services.

We also put in place a process, based on sound medical criteria, for the certification and recertification of what they call OPOs—organ procurement organizations. It requires the OPOs that fail to meet performance criteria to file a corrected plan, and they will have 3 years to implement such a plan. We have to have a way of making sure the organ procurement organizations in this country are doing a good, professional job. There has to be some accountability of those organizations.

One of the most important issues, of course, is encouraging more organ donations. Earlier this morning I had the opportunity to meet in my office with several individuals who had actually been the recipients of donated organs. Those transplants they had had saved

their lives. One of them was a constituent of mine. His name was Kent Schlink from Peoria, IL. When Kent was in his late twenties, he had to have a heart transplant to correct a defect he had in his heart dating from his early childhood. He was very sick. He was on the waiting list for quite some time. He ultimately had a heart transplant at St. Francis Hospital in Peoria, IL, that saved his life. His life was saved at a time when he had a 6-month-old child. He has gone on to have another child. To see him talk about the joy to be with his young kids drives home what a gift people who donate organs make—a gift of life.

We also had the opportunity to meet in my office with Britney Green, a young girl whom I believe is 13 years old. She had a liver transplant when she was 3 years old. She is currently on a waiting list for a new heart. She has had a very tough road to hoe, but she is a bright and cheerful young lady. She is very supportive and hopes we can improve the system in this country.

Finally, I wish to mention one other young man who impressed me. His name is Danny Canal. Danny is 14 years old, and he is an incredibly bright, wonderful young man. He is a transplant recipient who actually had a four-organ transplant, if you can believe that. Not only did he have four organs transplanted, he actually had two sets of those organs before the third set began functioning properly. This wonderful young kid who has been saved by these organ transplants probably wouldn't have had to have so many organs transplanted into him, because he originally only needed a transplant of a small intestine. Unfortunately, it took so long, he was on the waiting list for the transplant of that intestine so long that his other organs started to fail, to the point where he had to have his pancreas and other organs replaced. Then there were problems and it took three times before they got that right. He is a wonderful young man. It was a very moving experience to hear his story.

We need to encourage more people to donate organs so there can be more Danny Covals and Kent Schlinks and Britney Greens whose lives can be saved in this country. Our bill does a lot to address that. We seek to establish a grant program to assist organ procurement organizations and other not-for-profit organizations in developing and expanding programs aimed at increasing organ donation rates.

We create a congressional donor medal to honor living organ donors and organ donor families, and give credit to the tremendous gift they are giving by giving an organ. We establish a system of support for State programs to increase organ donation, and we provide some financial support to pay for nonmedical travel expenses of living donors.

We have long had a transplant policy in this country that it was against public policy, against the law to pay people for donating organs. That creates many medical and ethical issues. I agree with that prohibition against paying people for donating organs. Everybody who does it is doing it just for the internal reward of helping somebody else. They are not doing it for any financial gain. However, I think it is appropriate that we could at least help defray some of the nonmedical travel expenses of the living donors. Most health insurance policies do, in fact, now in this country cover the medical expenses associated with donating the organ.

The bill also bans lobbying by the organ procurement and transplant network administrator. That is the private not-for-profit corporation in Richmond, VA. We prohibit that firm which administers the program under contract with the Department of Health and Human Services from using fees that it collects from transplant patients to lobby Members of Congress. That firm is collecting, I believe, $375 from every person who is on an organ donor waiting list in the country. We want to make sure those fees are helping to match organs with patients so that more people can be saved. We do not think they need to be using those funds to lobby Members of Congress.

Finally, one of the things the bill does is it actually comes in and abolishes State laws that are on the books in several States that are referred to as organ hoarding laws. Several States now, I regret to say, have enacted laws saying organs donated within their State borders cannot be given to people outside of their States. One of those States is the State of Wisconsin, that borders on my State of Illinois.

I love Wisconsin. I think it is one of the most beautiful States in our country. Every summer my family and I go up and we vacation in northern Wisconsin. We enjoy their fishing and beautiful forests and the wildlife there. But I disagree with the law they have on the books that says if somebody in Wisconsin donates an organ, it cannot save a life in Illinois. I know Walter Payton, if he could have had an organ donated from a Green Bay Packer fan, would have gladly accepted it.

We do not need to be engaging in the Balkanization of our country. We do not need to have these kinds of barriers erected between States. We are, in the end, one nation, one giant state. This Balkanization has no place in our country. A report from the Institute of Medicine and other reports have indicated the statutes on the books in these several States greatly diminish the effectiveness and equity of a national organ transplant policy. We need to make sure that is no longer allowed.

The other thing I point out is many of the people from Wisconsin may come down and get listed on a transplant list at a hospital in Chicago. Then the effect of that law, passed by the Wisconsin legislature, would be to deny their own resident of the State of Wisconsin the ability to get the transplant at maybe a very renowned hospital in Chicago, or even one they go to in New York or another big State. That is inappropriate. It is not good public policy. Our bill would very firmly say that those laws would no longer be allowed in the States, and I think we would be on our way toward developing a much better national policy.

With that, Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2398

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 ''Organ Transplantation Fairness Act of 2000''.

SEC. 2. FINDINGS.

(a) IN GENERAL.—Congress makes the following findings:

(1) It is in the public interest to maintain and continually improve a national network to ensure the fair and effective distribution of organs among patients on the national waiting list irrespective of their place of residence or the location of the transplant program with which they are listed, and to ensure quality and facilitate collaboration among network members and individual medical practitioners participating in the network activities.

(2) The Organ Procurement and Transplantation Network (referred to in this section as the ''Network'') was created in 1984 by the National Organ Transplant Act (Public Law 98–507) in order to facilitate an equitable allocation of organs among all patients on a national basis.

(3) The Federal Government should continue to provide Federal oversight of the Network and is responsible for protecting the public's health care interest and ensuring that the policies of the Network meet the goals established by this Act.

(4) The responsibility for developing, establishing, and maintaining medical criteria and standards for organ procurement and transplantation should be a function of the Network, and the Secretary of Health and Human Services should provide oversight to ensure compliance with this Act and other applicable laws.

(5) The network should be operated by a private organization under contract with the Department of Health and Human Services.

(6) The Federal Government is responsible for ensuring that the efforts of the Network serve patients and donor families in the procurement and distribution of organs.

(7) The Federal Government should take immediate action to improve organ donation rates and increase the number of organs available for transplantation.

(8) There is a significant disparity between the number of organ donors and the number of individuals waiting for organ transplants, and it is in the public's best interest to have a system of organ allocation that ensures that transplant candidates with similar severity of illness have similar likelihood of transplantation irrespective of their place of residence or the location of the transplant program with which they are listed.

(b) SENSE OF CONGRESS REGARDING ORGAN DONATION.—It is the sense of Congress that—

(1) the factors that impact organ donation rates are complex and require a multifaceted approach to increase organ donation rates;

(2) the Federal Government should lead the national effort to increase organ donation

and develop programs with the transplant community to research and implement a best practices approach to increasing organ donation; and

(3) a generous contribution has been made by each individual who has donated an organ to save a life.

SEC. 3. ORGAN PROCUREMENT ORGANIZATIONS.

Section 371 of the Public Health Service Act (42 U.S.C. 273) is amended to read as follows:

"SEC. 371. ORGAN PROCUREMENT ORGANIZATIONS.

''(a) AUTHORITY OF THE SECRETARY.—The Secretary may make grants to, and enter into contracts with, qualified organ procurement organizations described in subsection (b), and other nonprofit private entities, for the purpose of carrying out special projects designed to increase the number of organ donors.

''(b) QUALIFIED ORGANIZATIONS.—

''(1) REQUIREMENTS.—A qualified organ procurement organization for which grants may be made under subsection (a) is an organization that, as determined by the Secretary, will carry out the functions described in paragraph (2), and that—

''(A) is a nonprofit entity;

''(B) has accounting and other fiscal procedures (as specified by the Secretary) necessary to ensure the fiscal stability of the organization;

''(C) has an agreement with the Secretary to be reimbursed under title XVIII of the Social Security Act for the procurement of kidneys;

''(D) notwithstanding any other provision of law, has met the other requirements of this subsection and has been certified or recertified by the Secretary as meeting the performance standards to be a qualified organ procurement organization through a process that—

''(i) granted certification or recertification within the previous 4 years with such certification in effect as of October 1, 2000, and remaining in effect through the earlier of—

''(I) January 1, 2002; or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is set forth in regulations prescribed by the Secretary not later than January 1, 2002, that—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on outcome and process performance measures that are based on available, practical empirical evidence of organ donor potential or other related factors in each service area of qualified organ procurement organizations;

''(III) use multiple outcome measures as part of the certification process;

''(IV) provide for the filing and approval of a corrective action plan by a qualified organ procurement organization if the Secretary notifies the organ procurement organization that it has failed to meet the performance measures after the first 2 years of the 4 year certification period, which corrective action plan shall apply for the 3 years following approval of such plan;

''(V) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;

''(E) has procedures to obtain payment for nonrenal organs provided to transplant centers;

''(F) has a defined service area that is of sufficient size to assure maximum effectiveness in the procurement of organs;

''(G) has a director and other such staff, including the organ donation coordinators and organ procurement specialists necessary to effectively obtain organs from donors in its service area; and

''(H) has a board of directors or an advisory board that—

''(i) is composed of—

''(I) members who represent hospital administrators, intensive care or emergency room personnel, tissue banks, and voluntary health organizations in its service area;

''(II) members who represent the public residing in such area;

''(III) a physician with knowledge, experience, or skill in the field of histocompatibility or an individual with a doctorate degree in biological science with knowledge, experience, or skill in the field of histocompatibility;

''(IV) a physician with knowledge or skill in the field of neurology; and

''(V) from each transplant center in its service area, a member who is a surgeon who has practicing privileges in such center and who performs organ transplant surgery;

''(ii) has the authority to recommend policies for the procurement of organs and the other functions described in paragraph (2); and

''(iii) has no authority over any other activity of the organization.

''(2) FUNCTIONS.—An organ procurement organization shall—

''(A) have effective agreements, to identify potential organ donors, with all of the hospitals and other health care entities in its service area that have facilities for organ donation;

''(B) conduct and participate in systematic efforts, including professional education, to acquire all usable organs from potential donors;

''(C) arrange for the acquisition and preservation of donated organs and provide quality standards for the acquisition of organs which are consistent with the standards adopted by the Organ Procurement and Transplantation Network under section 372(b)(2)(F), including arranging for testing with respect to preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome;

''(D) arrange for the appropriate tissue typing of donated organs;

''(E) assist the Organ Procurement and Transplantation Network in the equitable distribution of organs among patients on a national basis;

''(F) provide or arrange for the transportation of donated organs to transplant centers;

''(G) have arrangements to coordinate its activities with transplant centers in its service area;

''(H) participate in the Organ Procurement and Transplantation Network established under section 372;

''(I) have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage, and distribution of tissues as may be appropriate to assure that all usable tissues are obtained from potential donors;

''(J) evaluate annually the effectiveness of the organization in acquiring potentially available organs; and

''(K) assist hospitals in establishing and implementing protocols for assuring that all deaths and imminent deaths are reported to the appropriate organ procurement organization.''.

SEC. 4. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended to read as follows:

"SEC. 372. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

''(a) IN GENERAL.—The Secretary shall by regulation provide for the establishment and operation of an Organ Procurement and Transplantation Network that meets the requirements of subsection (b).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Organ Procurement and Transplantation Network shall carry out the functions described in paragraph (2) and shall—

''(A) be operated by a private entity under contract with the Department of Health and Human Services; and

''(B) have a board of directors—

''(i) not more than 50 percent of which members are transplant surgeons or transplant physicians;

''(ii) at least 25 percent of which members are transplant candidates, transplant recipients, organ donors, and family members; and

''(iii) that includes representatives of organ procurement organizations, voluntary health associations, and the general public; and

''(iv) that shall establish an executive committee and other committees, whose chairpersons shall be selected to ensure continuity of the board.

''(2) FUNCTIONS.—The Organ Procurement and Transplantation Network shall—

''(A) establish and maintain one or more lists derived from a national list of individuals who need organ transplants;

''(B) establish a national system, through the use of computers and in accordance with established medical criteria, to match organs and individuals included on such lists;

''(C) establish membership criteria for hospitals, for performing organ transplants, and for individual members;

''(D) maintain a 24-hour telephone service to facilitate matching organs with individuals included in such lists;

''(E) allocate organs so that transplant candidates with similar severity of illness have similar likelihood of receiving a transplant irrespective of their place of residence or the location of the transplant program with which they are listed;

''(F) adopt and use standards of quality for the acquisition and transportation of donated organs, including standards for preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome;

''(G) prepare and distribute, on a national basis, samples of blood sera from individuals who are included on such lists in order to facilitate matching the compatibility of such individuals with organ donors;

''(H) coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers;

''(I) provide information to physicians and other health professionals and the general public regarding organ donation;

''(J) collect, analyze, and publish data concerning organ donation and transplants;

''(K) provide data to the Secretary in order to permit the Secretary to carry out the Secretary's responsibilities under this part, and to the Scientific Registry maintained pursuant to section 373;

''(L) respond in a timely fashion and to the extent permitted, to requests for data from researchers and investigators;

''(M) carry out studies and demonstration projects for the purpose of improving procedures for organ procurement and allocation;

''(N) work actively to increase the supply of donated organs;

''(O) submit to the Secretary an annual report containing information on the comparative costs and patient outcomes at each transplant center affiliated with the Organ Procurement and Transplantation Network; and

''(P) submit to the Secretary an annual report containing such financial information,

as determined by the Secretary, to be necessary to evaluate the cost of operating the Organ Procurement and Transplantation Network.

''(3) AVAILABILITY OF PATIENT LISTING FEES AND PARTICIPATION FEES.—

''(A) IN GENERAL.—Any fees described in subparagraph (B) that are collected by the Organ Procurement and Transplantation Network—

''(i) shall be available to the Organ Procurement and Transplantation Network, without fiscal year limitation, for use in carrying out the functions of the Organ Procurement Transplantation Network under this section; and

''(ii) shall not be used for any activity (including lobbying or other political activity) that is not authorized under this section.

''(B) COVERED FEES.—Subparagraph (A) applies with respect to the following:

''(i) Listing fees.

''(ii) Fees imposed as a condition of being a participant in the Organ Procurement and Transplantation Network.

''(C) CONSTRUCTION.—No provision of this paragraph may be construed to prohibit the Organ Procurement and Transplantation Network from—

''(i) collecting fees other than the fees described in subparagraph (B); or

''(ii) using fees covered by clause (i) for an activity covered by subparagraph (A)(ii) or other activity.

''(c) ORGAN ALLOCATION.—

''(1) DEVELOPMENT OF POLICIES.—The Organ Procurement and Transplantation Network shall develop organ-specific policies (including combinations of organs, such as for kidney-pancreas transplants), subject to the review of and approval by the Secretary, for the equitable allocation of cadaveric organs to individuals on the national waiting list.

''(2) LISTING CRITERIA.—Standardized minimum listing criteria for including individuals on the national list shall be established and, to the extent possible, shall—

''(A) contain explicit thresholds for the listing of a patient;

''(B) avoid futile transplants or the wasting of organs;

''(C) be expressed through objective and measurable medical criteria; and

''(D) be reviewed periodically and revised as appropriate.

''(3) REQUIREMENTS RELATING TO TRANSPLANT CANDIDATES.—Where appropriate for the specific organ, transplant candidates shall—

''(A) be grouped by status categories from most to least medically urgent with—

''(i) sufficient categories to avoid grouping together individuals with substantially different medical urgency;

''(ii) explicit thresholds for differentiating among patients; and

''(iii) explicit standards for the movement of individuals among the status categories;

''(B) be expressed through objective and measurable medical criteria; and

''(C) be reviewed periodically and revised as appropriate.

''(4) REQUIREMENTS FOR ALLOCATION POLICIES AND PROCEDURES.—Organ allocation policies and procedures shall be established in accordance with sound medical judgment and shall—

''(A) be designed and implemented to allocate organs among transplant candidates—

''(i) in order of decreasing medical urgency status;

''(ii) over the largest geographic area practicable in a manner consistent with organ viability so that neither place of residence nor place of listing shall be a major determinant; and

''(iii) so as to maintain organ viability and avoid organ wastage; and

''(B) be reviewed periodically and revised as appropriate.

''(5) POLICIES WHERE MEDICAL URGENCY IS NOT AN APPROPRIATE MEASUREMENT.—Where medical urgency is not an appropriate measurement for organ allocation, policies and procedures shall be established in accordance with sound medical judgment.

''(d) AUTHORITY OF THE SECRETARY.—The policies and rules established by the Organ Procurement and Transplantation Network that are to be enforceable shall be subject to review and approval by the Secretary. The Secretary shall—

''(1) in consultation with the Organ Procurement and Transplantation Network, develop mechanisms to promote and review compliance with the requirements of this section;

''(2) establish and approve all fees, dues, or similar costs charged to support the operation of the Organ Procurement and Transplantation Network;

''(3) establish procedures for receiving from interested persons critical comments relating to the manner in which the Organ Procurement and Transplantation Network is carrying out the duties of the Network under subsection (b); and

''(4) take such action, as determined by the Secretary, to enforce the requirements of this section as well as the requirements under title XVIII of the Social Security Act.

''(5) if the Organ Procurement and Transplantation Network fails to submit a policy on a matter which the Secretary determines should be enforced under this section or section 1138 of the Social Security Act, or the Organ Procurement and Transplantation Network submits a policy that the Secretary determines is inconsistent with the goals of this Act, submit to the board of directors or advisory board of the Organ Procurement and Transplantation Network the Secretary's version of such policy.

''(e) NATIONAL TRANSPLANT ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Secretary shall, by regulation, provide for the establishment of a National Organ Transplant Advisory Board (referred to in this subsection as the 'Board').

''(2) MEMBERSHIP.—The Board shall carry out the functions described in paragraph (3) and shall be comprised of individuals that—

''(A) include a broad spectrum of representatives of the medical and scientific community, including transplant surgeons, transplant physicians, epidemiologists, and health service researchers, as well as representatives from organ procurement organizations and the community of transplant patients, family members and donor families;

''(B) are selected by the Secretary;

''(C) serve terms of not less than 3 years.

''(3) FUNCTIONS.—The Board shall assist the Secretary in ensuring that the Organ Procurement and Transplantation Network is grounded on the best available medical science and is effective and equitable as possible and shall—

''(A) at the request of the Secretary, review the policies and rules of the Organ Procurement and Transplantation Network;

''(B) advise and propose to the Secretary policies, rules, and regulations affecting organ procurement and transplantation;

''(C) at the request of the Secretary, review and consider policies and regulations affecting organ transplantation developed by the Secretary;

''(D) advise the Secretary with respect to comments received by the Secretary under subsection (d)(3);

''(E) meet at the request of the Secretary, but not less than 2 times each year; and

''(F) elect a Chairperson and Vice-chairperson as well as any other officers as determined appropriate by the Board.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $1,000,000 for each of the fiscal years 2000 through 2005.''.

SEC. 5. SCIENTIFIC REGISTRY.

Section 373 of the Public Health Service Act (42 U.S.C. 274a) is amended to read as follows:

''SEC. 373. SCIENTIFIC REGISTRY.

''The Secretary shall, by grant or contract, develop and maintain a scientific registry of the recipients of organ transplants. The registry shall include such information concerning patients and transplant procedures as the Secretary determines to be necessary to an ongoing evaluation to the scientific and clinical status of organ transplantation. The registry shall also include such information concerning both donors and patients in transplants involving living donors. The Secretary shall prepare for inclusion in the report under section 376 an analysis of information derived from the registry.''.

SEC. 6. ADMINISTRATION.

Section 375 of the Public Health Service Act (42 U.S.C. 274c) is amended to read as follows:

''SEC. 375. ADMINISTRATION.

''The Secretary shall designate and maintain an identifiable administrative unit in the Public Health Service to—

''(1) administer this part and coordinate with organ procurement activities under title XVIII of the Social Security Act;

''(2) administer and coordinate programs, as determined by the Secretary, to increase organ donation rates;

''(3) provide technical assistance to organ procurement organizations, the Organ Procurement and Transplantation Network established under section 372, and other entities in the health care system involved in organ donations, procurements, and transplants; and

''(4) provide information—

''(A) to patients, their families, and their physicians about transplantation; and

''(B) to patients and their families about resources available nationally and in each State, and the comparative costs and patient outcomes at each transplant center affiliated with the Organ Procurement and Transplantation Network, in order to assist the patients and families with the costs associated with transplantation.''.

SEC. 7. ADDITIONAL AMENDMENTS.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended—

(1) in section 374 (42 U.S.C. 274b)—

(A) in subsection (b)(1), by striking ''and may not exceed $100,000'' and inserting ''and other organizations for the purpose of increasing the supply of transplantable organs''; and

(B) in subsection (b)(2), by striking the second sentence;

(2) in section 376 (42 U.S.C. 274d), by striking ''Committee on Energy and Commerce'' and inserting ''Committee on Commerce''; and

(3) by striking section 377 (42 U.S.C. 274f).

SEC. 8. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 376 the following section:

''SEC. 376A. TRAVEL AND SUBSISTENCE PAYMENTS FOR LIVING ORGAN DONATION.

''(a) IN GENERAL.—The Secretary may make awards of grants or contracts to

States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

''(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (referred to in this section as 'donating individuals'); and

''(2) in addition, providing for the payment of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

''(A) the State in which the donating individual resides is a different State than the State in which the intended recipient of the organ resides; and

''(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2002 and subsequent fiscal years to offset the effects of inflation occurring after the beginning fiscal year 2001).

''(2) CERTAIN CIRCUMSTANCES.—Subject to paragraph (1), the Secretary may in carrying out subsection (a) provide as follows:

''(A) The Secretary may consider the term 'donating individuals' as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reason as the Secretary determines to be appropriate, no donation of the organ occurs.

(B) The Secretary may consider the term 'qualifying expenses' as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).

''(c) LIMITATION ON AMOUNT OF PAYMENT.—

''(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of section (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the cost of living.

''(2) COVERED VICINITY.—For purposes of this section, the term 'covered vicinity' with respect to an intended recipient of an organ from a donating individual, means the vicinity of the nearest transplant center to the residence of the intended recipient that regularly performs transplants of that type of organ.

''(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant agrees that the award will not be expended to pay the qualifying expenses of a donating individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

''(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(2) by an entity that provides health services on a prepaid basis.

''(e) DEFINITIONS.—In this section:

''(1) COVERED VICINITY.—The term 'covered vicinity' has the meaning given such term in subsection (c)(2).

''(2) DONATING INDIVIDUAL.—The term 'donating individual' has the meaning indicated for such term in subsection (a)(1), subject to subsection (b)(2)(A).

''(3) QUALIFYING EXPENSES.—The term 'qualifying expenses' means the expenses authorized for purposes of subsection (a), subject to subsection (b)(2)(B).

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of fiscal years 2000 through 2005.''.

SEC. 9. PROGRAMS AND DEMONSTRATION PROJECTS TO INCREASE ORGAN DONATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 377 the following:

''SEC. 377A. INITIATIVES TO INCREASE ORGAN DONATION.

''(a) PUBLIC AWARENESS.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation.

''(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make grants to public and nonprofit entities for the purpose of carrying out studies and demonstration projects with respect to increasing rates of organ donation. The Secretary shall—

''(1) give priority to those studies and demonstration projects that are founded upon a best practices approach to increasing organ donation consent rates;

''(2) give priority to those geographic areas with lower organ donation consent rates, especially among minorities;

''(3) provide assistance to qualified organ procurement organizations described under section 371 to implement programs and projects, that as determined by Secretary through studies and demonstration projects, have proven to be effective in increasing organ donation rates; and

''(4) provide assistance to the study and consideration of presumed consent as an opportunity to increase organ donation rates.

''(c) GRANTS TO STATES.—The Secretary may make grants to states for the purpose of carrying out public education and outreach programs designed to increase the number of organ donors within the State. To be eligible, each State shall—

''(1) submit an application to the Secretary, in such form as prescribed by the Secretary; and

''(2) establish yearly benchmarks for improvement in organ donation rates in the State.

''(d) CONGRESSIONAL MEDAL.—

''(1) DESIGN.—The Secretary shall design a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary, to commemorate organ donors and their families.

''(2) ELIGIBILITY.—Any organ donor, or the family of any organ donor, shall be eligible for a medal under this subsection.

''(3) REQUIREMENTS.—The Secretary shall direct the Organ Procurement and Transplantation Network, established under section 372, to—

''(A) establish an application procedure requiring the relevant organ procurement organizations, described in section 371, through which an individual or their family made an organ donation, to submit documentation supporting the eligibility of that individual or their family to receive a medal; and

''(B) determine through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal.

''(4) DELIVERY.—The Secretary shall make suitable arrangements as necessary with the Secretary of the Treasury to strike and deliver the medals described in paragraph (3).

''(5) PRESENTATION.—The Secretary shall provide for the presentation to the relevant organ procurement organizations all medals struck pursuant to this section to individuals or families that, in accordance with paragraph (3), the Organ Procurement and Transplantation Network has determined eligible to receive medals.

''(6) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), only 1 medal may be presented to a family under paragraph (5). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

''(B) ADDITIONAL MEDALS.—In the case of a family in which more than 1 member is an organ donor, an additional medal may be presented to each such organ donor or their family.

''(7) DUPLICATES.—The Secretary or the Organ Procurement and Transplantation Network may provide duplicates of a medal—

''(A) to any recipient of a medal under paragraph (4) under such regulation as the Secretary may issue; and

''(B) the cost of which shall be sufficient to cover the costs of such duplicates.

''(8) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of section 5111 of title 31, United States Code.

''(9) APPLICABILITY OF PROVISIONS.—No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this subsection.

''(10) FUNDING.—

''(A) AGREEMENTS.—The Secretary of the Treasury may enter into an agreement with the Organ Procurement and Transplantation Network to collect funds to offset expenditures relating to the issuance of medals authorized under this subsection.

''(B) PAYMENT AND LIMITATION.—

''(i) PAYMENT.—Except as provided in clause (ii), all funds received by the Organ Procurement and Transplantation Network under this paragraph shall be promptly paid to the Secretary of the Treasury.

''(ii) LIMITATION.—Not more than 5 percent of any funds received under this paragraph may be used to pay administrative costs incurred by the Organ Procurement and Transplantation Network as a result of an agreement established under this subsection.

''(C) DEPOSITS AND EXPENDITURES.—Notwithstanding any other provision of law—

''(i) all amounts received by the Secretary of the Treasury under paragraph (10)(A)(i) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

''(ii) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this subsection.

''(D) START-UP COSTS.—A one-time amount of not to exceed $55,000 shall be provided by the Secretary to the Organ Procurement and Transplantation Network to cover initial start-up costs to be paid back in full within 3 years of the date of enactment of this section from funds received under this subsection.

''(11) DEFINITION.—For the purposes of this section, the term 'organ' means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation by the Secretary.

''(12) EFFECTIVE DATE.—This subsection shall be effective for the 5-year period beginning on the date of the enactment of this section.

''(e) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to the Congress an annual report on the activities carried out under this section, including provisions describing the extent to which the activities have affected the rate of organ donation.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to any other authorizations of appropriations that are available for such purpose.

''(2) PUBLIC AWARENESS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (a).''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended to read as follows:

''SEC. 378. AUTHORIZATION OF APPROPRIATIONS FOR ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

''For the purpose of providing for the Organ Procurement and Transplantation Network under section 372, and for the Scientific Registry under section 373, there are authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2005.''.

SEC. 11. PREEMPTION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 378 the following:

''SEC. 378A. PREEMPTION.

''No State or political subdivision of a State shall establish or continue in effect any law, rule, regulation, or other requirement that would restrict in any way the ability of any transplant hospital, organ procurement organization, or other entity to comply with the organ allocation policies of the Network under this part.''.

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2000, or upon the date of enactment of this Act, whichever occurs later.

By Mr. DURBIN (for himself and Mr. LEVIN):

S. 2399. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare program; to the Committee on Finance.

COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS ACT OF 2000

• Mr. DURBIN. Mr. President, I rise to make a few remarks concerning this bill I am introducing today, which will help many Medicare beneficiaries who have had organ transplants.

Every year, over 4,000 people die waiting for an organ transplant. Currently, over 62,000 Americans are waiting for a donor organ. It is this scarcity that has fueled the current controversy over organ allocation.

Given that organs are extremely scarce, Federal law should not compromise the success of organ transplantation. Yet that is exactly what current Medicare policy does, because Medicare denies certain transplant patients coverage for the drugs needed to prevent rejection.

Medicare does this in three different ways. Firstly, Medicare has time limits on coverage of immunosuppressive drugs. Permanent Medicare law only provides immunosuppressive drug coverage for 3 years with expanded coverage totaling 3 years and 8 months between 2000 and 2004. However, 61 percent of patients receiving a kidney transplant after someone has died still have the graft intact 5 years after transplantation. 76.6 percent of patients receiving a kidney from a live donor still have their transplant intact after 5 years post transplantation. For livers, the graft survival rate after 5 years is 62 percent. For hearts, the 5 year graft survival rate is 67.7 percent. So many Medicare beneficiaries lose coverage of the essential drugs that are needed to maintain their transplant.

Secondly, Medicare does not pay for anti-rejection drugs for Medicare beneficiaries, who received their transplants prior to becoming a Medicare beneficiary. So for instance, if a person received a transplant at age 64 through their health insurance plan, when they retire and rely on Medicare for their health care they will no longer have immunosuppressive drug coverage.

Thirdly, Medicare only pays for anti-rejection drugs for transplants performed in a Medicare approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplantation to be researching the intricate nuances of Medicare coverage policy.

The bill that I am introducing today, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act'' would remove these short-sighted limitations. The bill sets up a new, easy to follow policy: All Medicare beneficiaries who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, would be covered as long as such anti-rejection drugs were needed.

I am introducing this bill on behalf of some of the constituents that I have met who are unfortunately very adversely affected by the current gaps in Medicare coverage.

Richard Hevrdejs was a Chicago attorney in private practice until 1993. Unfortunately, he suffered a debilitating heart attack that year, which left him unable to work and on disability. In 1997, suffering from congestive heart failure, he was placed on a Heart-Mate machine at the University of Illinois Medical Center (UIC). In April of 1998, he received a heart transplant at UIC but because UIC was not at the time a Medicare approved facility for heart transplants, Medicare will not cover his immunosuppressive drugs. Richard was near death when he had his transplant and was in no condition to research the intricacies of Medicare coverage policies. His drug costs are now around $25,000 per year. He gets some assistance from the drug company medical assistance plans and he has a Medigap policy that provides a little assistance. But for the most part, he is forced to watch all his savings dwindle because of Medicare's coverage gaps.

Anita Milton is from Morris, Illinois. In 1995, she became so disabled that she was no longer able to work and was forced onto disability. The following year, her lungs gave up and she had to have a bilateral lung transplant. Because Medicare s not available for 2 years after a person becomes eligible for disability, Anita was not on Medicare when she had the transplant. Today, the huge bills for the transplant remain at collection agencies. Because Anita was not on Medicare when she received her transplant, she does not receive Medicare coverage for the antirejection drugs that she needs. She receives $940 in disability payments per month. She is now on Medicaid but due to the spend down requirements in Illinois, she must spend $689 on drug costs to get Medicaid converge for her drugs. In effect, she gets coverage every month. Anita cannot afford her anti-rejection drugs and she tried to scale back on them. This caused her to nearly reject the transplant. Consequently, she has lost a third of her lung capacity permanently. As Anita said at a Town Hall meeting in Chicago in January ''these Medicare and Medicaid rules make no sense.''

I am introducing this bill on the same day that another bill the ''Organ Transplant Act of 2000'', which I am an original cosponsor is also being introduced. The ''Organ Transplant Fairness Act'' also seeks to change another aspect of Federal law to improve the Nation's organ allocation system. The two bills are good companions. It makes little sense to improve the organ allocation system to maximize the success of organ transplantation and increase the number of lives saved, if we do not at the same time reduce the ways that Medicare jeopardizes transplants by denying transplant patients the anti-rejection drugs they need to maintain their transplant.

Mr. President, I ask unanimous consent that a copy of the bill the ''Comprehensive Immunosuppresive Drug Coverage for Transplant Patients of 2000'' be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2399

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 ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000''.

SEC. 2. REVISION OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) REVISION.—

(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J))

(as amended by section 227(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1832 of the Social Security Act (42 U.S.C. 1395k) (as amended by section 227(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Subsections (c) and (d) of section 227 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–355), as enacted into law by section 1000(a)(6) of Public Law 106–113, are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to drugs furnished on or after the date of enactment of this Act.

(b) EXTENSION OF CERTAIN SECONDARY PAYER REQUIREMENTS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000, this subparagraph shall be applied without regard to any time limitation.''.●

By Mr. GREGG (for himself and Mr. KOHL):

S. 2401. A bill to provide jurisdictional standards for imposition of State and local business activity, sales, and use tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

THE NEW ECONOMY TAX SIMPLIFICATION ACT

● Mr. GREGG. Mr. President, I rise today with Senator KOHL to introduce the New Economy Tax Simplification Act or NETSA. Electronic commerce is reshaping our society. In many ways, the strong economic conditions we currently enjoy are a result of the convenience, lower costs, and global connections provided by the internet. The question for us as a nation is how to manage this new enterprise so that it continues to benefit our nation's economy, particularly in regard to the taxation of e-commerce.

So far, the government's hands-off approach is working. Our nation's unemployment and inflation rates are at record lows and higher paying jobs are being created at a tremendous rate. Many financial experts attribute the record low inflation rates to the Internet. A University of Texas study found that the Internet economy grew an astounding 68% rate in the past 12 months.

Another sign of the good times is the surplus revenue flowing into federal and state treasuries all over the nation. The federal government's budget is balanced for the first time in a generation and the 50 states ended 1998 with a collective surplus of $11 billion. States are seeing revenue increases of more than 5 percent a year through the 1990's. This hardly seems like a compelling rationale for levying taxes on the Internet. Yet a heated debate is raging between those who want to keep the internet free of taxes and state and local governments who seek to impose widespread taxes on internet sales.

The Advisory Commission on Electronic Commerce (ACEC), set up by Congress last year to develop recommendations on Internet taxes, recently concluded its final meeting but failed to reach the required supermajority to make any formal recommendations. Notably, it did agree by a simple majority vote to extend the current moratorium on Internet taxes for five years.

The Commission is set to deliver it's report to Congress tomorrow. It will recommend that we extend the internet tax moratorium for another five years and I fully support this. The Commission will also ask Congress to establish nexus safeguards—to make clear when a State or municipality has the power to levy taxes. Our legislation establishes these important nexus safeguards.

Currently, online sales are governed by the very same tax rules that govern mail order sales. The existing rules of the road are based upon two prior Supreme Court decisions—National Bellas Hess case in 1967, and the Quill case in 1992. Both decisions established the power of state tax authority to be limited by nexus—or the scope of a company's connection to the taxing state.

Local sales taxes are incredibly complex. There are 7,600 different tax jurisdictions across the country—within these systems about 600–700 rate changes occur per year. There are 46 different sets of rules (45 states and the District of Columbia have state sales tax). If forced to comply with these rules, companies would be filing 425 tax returns each month or 5,100 a year.

The Gregg/Kohl bill, the New Economy Tax Simplification Act (NETSA), codifies these mail order tax rules as outlined in the Quill decision, updating this decision for the 21st century.

Sales/use tax nexus rules are court-based, and income tax nexus rules are based upon a 1950s federal statute that applies only to tangible goods. The Gregg/Kohl plan would codify nexus standards across the board. This legislation would update and strengthen the nexus standards for the 21st Century economy—ensuring that intangible sales, web pages and servers do not cause nexus. It maintains current constitutional principles and keeps state powers within their jurisdictions, and does not try to pre-empt a state's tax authority within its own borders.

I ask unanimous consent that the full 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. 2401

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 ''The New Economy Tax Simplification Act (NETSA)''.

SEC. 2. JURISDICTIONAL STANDARDS FOR THE IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

Title I of the Act entitled ''An Act relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by congressional committees of matters pertaining thereto'', approved on September 14, 1959 (15 U.S.C. 381 et seq.), is amended to read as follows:

"TITLE I—JURISDICTIONAL STANDARDS

"SEC. 101. IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

''(a) IN GENERAL.—No State shall have power to impose, for any taxable year ending after the date of enactment of this title, a business activity tax or a duty to collect and remit a sales or use tax on the income derived within such State by any person from interstate commerce, unless such person has a substantial physical presence in such State. A substantial physical presence is not established if the only business activities within such State by or on behalf of such person during such taxable year are any or all of the following:

''(1) The solicitation of orders or contracts by such person or such person's representative in such State for sales of tangible or intangible personal property or services, which orders or contracts are approved or rejected outside the State, and, if approved, are fulfilled by shipment or delivery of such property from a point outside the State or the performance of such services outside the State.

''(2) The solicitation of orders or contracts by such person or such person's representative in such State in the name of or for the benefit of a prospective customer of such person, if orders or contracts by such customer to such person to enable such customer to fill orders or contracts resulting from such solicitation are orders or contracts described in paragraph (1).

''(3) The presence or use of intangible personal property in such State, including patents, copyrights, trademarks, logos, securities, contracts, money, deposits, loans, electronic or digital signals, and web pages, whether or not subject to licenses, franchises, or other agreements.

''(4) The use of the Internet to create or maintain a World Wide Web site accessible by persons in such State.

''(5) The use of an Internet service provider, on-line service provider, internetwork communication service provider, or other Internet access service provider, or World Wide Web hosting services to maintain or take and process orders via a web page or site on a computer that is physically located in such State.

''(6) The use of any service provider for transmission of communications, whether by cable, satellite, radio, telecommunications, or other similar system.

''(7) The affiliation with a person located in the State, unless—

''(A) the person located in the State is the person's agent under the terms and conditions of subsection (d); and

''(B) the activity of the agent in the State constitutes substantial physical presence under this subsection.

''(8) The use of an unaffiliated representative or independent contractor in such State for the purpose of performing warranty or repair services with respect to tangible or intangible personal property sold by a person located outside the State.

''(b) DOMESTIC CORPORATIONS; PERSONS DOMICILED IN OR RESIDENTS OF A STATE.—The provisions of subsection (a) shall not apply to the imposition of a business activity tax or a duty to collect and remit a sales or use tax by any State with respect to—

''(1) any corporation which is incorporated under the laws of such State; or

''(2) any individual who, under the laws of such State, is domiciled in, or a resident of, such State.

''(c) SALES OR SOLICITATION OF ORDERS OR CONTRACTS FOR SALES BY INDEPENDENT CONTRACTORS.—For purposes of subsection (a), a person shall not be considered to have engaged in business activities within a State during any taxable year merely by reason of sales of tangible or intangible personal property or services in such State, or the solicitation of orders or contracts for such sales in such State, on behalf of such person by one or more independent contractors, or by reason of the maintenance of an office in such State by one or more independent contractors whose activities on behalf of such person in such State consist solely of making such sales, or soliciting orders or contracts for such sales.

''(d) ATTRIBUTION OF ACTIVITIES AND PRESENCE.—For purposes of this section, the substantial physical presence of any person shall not be attributed to any other person absent the establishment of an agency relationship between such persons that—

''(1) results from the consent by both persons that one person act on behalf and subject to the control of the other; and

''(2) relates to the activities of the person within the State.

''(e) DEFINITIONS.—For purposes of this title—

''(1) BUSINESS ACTIVITY TAX.—The term 'business activity tax' means a tax imposed on, or measured by, net income, a business license tax, a business and occupation tax, a franchise tax, a single business tax or a capital stock tax, or any similar tax or fee imposed by a State.

''(2) INDEPENDENT CONTRACTOR.—The term 'independent contractor' means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders or contracts for the sale of, tangible or intangible personal property or services for more than one principal and who holds himself or herself out as such in the regular course of his or her business activities.

''(3) INTERNET.—The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such Protocol.

''(4) INTERNET ACCESS.—The term 'Internet access' means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as a part of a package of services offered to users.

''(5) REPRESENTATIVE.—The term 'representative' does not include an independent contractor.

''(6) SALES TAX.—The term 'sales tax' means a tax that is—

''(A) imposed on or incident to the sale of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

''(B) measured by the amount of the sales price, cost, charge, or other value of or for such property or services.

''(7) SOLICITATION OF ORDERS OR CONTRACTS.—The term 'solicitation of orders or contracts' includes activities normally ancillary to such solicitation.

''(8) STATE.—The term 'State' means any of the several States, the District of Columbia, or any territory or possession of the United States, or any political subdivision thereof.

''(9) USE TAX.—The term 'use tax' means a tax that is—

''(A) imposed on the purchase, storage, consumption, distribution, or other use of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

''(B) measured by the purchase price of such property or services.

''(10) WORLD WIDE WEB.—The term 'World Wide Web' means a computer server-based file archive accessible, over the Internet, using a hypertext transfer protocol, file transfer protocol, or other similar protocols.

''(f) APPLICATION OF SECTION.—This section shall not be construed to limit, in any way, constitutional restrictions otherwise existing on State taxing authority.

''SEC. 102. ASSESSMENT OF BUSINESS ACTIVITY TAXES.

''(a) LIMITATIONS.—No State shall have power to assess after the date of enactment of this title any business activity tax which was imposed by such State or political subdivision for any taxable year ending on or before such date, on the income derived for activities within such State that affect interstate commerce, if the imposition of such tax for a taxable year ending after such date is prohibited by section 101.

''(b) COLLECTIONS.—The provisions of subsection (a) shall not be construed—

''(1) to invalidate the collection on or before the date of enactment of this title of any business activity tax imposed for a taxable year ending on or before such date; or

''(2) to prohibit the collection after such date of any business activity tax which was assessed on or before such date for a taxable year ending on or before such date.

''SEC. 103. TERMINATION OF SUBSTANTIAL PHYSICAL PRESENCE.

''If a State has imposed a business activity tax or a duty to collect and remit a sales or use tax on a person as described in section 101, and the person so obligated no longer has a substantial physical presence in that State, the obligation to pay a business activity tax or to collect and remit a sales or use tax on behalf of that State applies only for the period in which the person has a substantial physical presence.

''SEC. 104. SEPARABILITY.

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

Mr. KOHL. Mr. President, today Senator GREGG and I are introducing legislation, the New Economy Tax Simplification Act, to ask government to step out of the way of the growing Internet economy and take a middle ground approach to taxation of Internet commerce. Our legislation does not stop any one State from forcing Internet companies within its borders to collect the sales taxes collected by any other business within its borders. But it does stop every one of the over 7000 local taxing jurisdictions from imposing every one of their unique rules, regulations, and rates on every business that sells over the Internet or through the mail.

We are not here today to ask for special treatment for companies that sell on the Internet. We simply want to make sure that businesses that are tackling the market with 21st century technology are not bled to death by the Byzantine local tax system.

All companies—regardless of whether they now sell over the Internet or not—benefit from the economic boom and consumer convenience provided by computer commerce. If you don't sell over the Internet now; you probably buy there. If you don't work for a company whose economic fortune is tied to Internet sales or information, your spouse, child, or neighbor probably does. If you haven't invested in one of these successful Internet businesses, they have probably invested in you: in the charities in your community, in the jobs that are growing our economy everywhere; in the State programs financed by the taxes these companies rightly pay to the States in which they have a physical presence.

Our bill provides a clear set of standards for businesses operating across state lines through mail-order sales or the Internet. And—very significantly—it also protects the rights of state and local officials to determine tax policy within their own jurisdictions.

Some have called for a complete ban on sales taxes on Internet goods. Still others have claimed that companies should collect sales taxes on all of their products without regard to the point of sale or the state or residence of the consumer.

We strike a balance between these two extremes. Just as my Wisconsin constituents should not have to pay local sales taxes for schools and sewers in Texas, Nebraska, or New York; it also makes sense that a Wisconsin business should not be forced to collect taxes to support fire and police protection in the other states. Businesses should collect the sales taxes that support the government services they receive.

But the main reason I am here today is to protect against a Federal red tape nightmare that would prevent the very growth that we all wish to promote. There are over 7,000 tax jurisdictions in this country, all with their own tax rates, exemptions, audit requirements and appeals procedures. Requiring compliance with all those jurisdictions would mean learning and complying with 46 sets of rules. Under this scenario, companies would have to file more than 425 tax returns every month. That amounts to approximately 5100 tax returns every year.

Internet and mail order companies, as well as traditional main street stores who are developing or using Internet services, serve consumers who like the convenience of phone or Internet shopping or who are unable to leave their homes to shop. They offer

greater convenience and greater choice. And they offer small specialty businesses the chance to grow into successful big businesses.

Our bill will allow these vital markets to continue to flourish—free from a tangle of tax red tape. It will also allow state and local officials to continue to collect taxes as they see fit within their own jurisdictions. We believe it strikes the proper balance, and we look forward to convincing our colleagues that it is worthy of their support.

By Mr. CLELAND:

S. 2402. A bill to amend title 38, United States Code, to enhance and improve educational assistance under the Montgomery GI bill in order to enhance recruitment and retention of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

HELPING OUR PROFESSIONALS EDUCATIONALLY (HOPE) ACT OF 2000

Mr. CLELAND. Mr. President, I come before you today to introduce legislation that addresses the educational needs of our men and women in uniform and their families. I call this measure the HOPE Act of 2000: HOPE, Helping Our Professionals Educationally—that is, our military professionals.

The great Stephen Ambrose, the marvelous historian of World War II, the author of ''D-Day'' and other books, has said the GI bill is the single best piece of legislation ever passed by the Federal Government.

Last year, Time magazine named the American GI as the Person of the Century—how appropriate. That alone is a powerful statement about the high value of our military personnel. They are recognized around the world for their dedication and commitment to fight for our country and for peace in the world. This past century has been the most violent one in modern memory. The American GI has fought in the trenches during the first World War, the beaches at Normandy, in the hills of Korea, in the jungles of Vietnam, in the deserts of the Persian Gulf, and most recently in the valleys of the Balkans.

During that period, the face of our military and the people who fight our wars has changed dramatically. The traditional image of the single, mostly male, drafted, and ''disposable'' soldier is now gone. Today we are fielding the force for the 21st century. This new force is a volunteer force, filled with men and women who are highly skilled, married, and definitely not disposable. Gone are the days when quality of life for a GI meant a beer in the barracks and a 3-day pass. Now, we know we have to recruit a soldier but retain a family.

We have won the cold war. This victory has further changed the world and our military. The new world order has given way to a new world disorder. United States is responding to crises around the globe—whether it be strategic bombing or humanitarian assistance—and our military is often seen as our most effective response and our best ambassadors. In order to meet these challenges, we are retooling our forces to be lighter, leaner, and meaner. This is a positive move. Along with this lighter force, our military professionals must be highly educated and highly trained.

Our Nation is currently experiencing the longest continuous peacetime economic growth in our history. This economic expansion has been a boon for our country. However, there has been a downside to this growing economy insofar as our Armed Forces are concerned. With the enticement of quick prosperity in the civilian sector it is more difficult than ever to recruit and retain our highly skilled forces.

In fiscal year 1999, the Army missed it recruiting goals by 6291 recruits, while the Air Force missed its goal by 1,732 recruits. Pilot retention problems persist for all services; for fiscal year 1999 the Air Force ended up 1,200 pilots short and the Navy ended 500 pilots short. We have other problems. The Army is having problems retaining captains, while the Navy faces manning challenges for surface warfare officers and special warfare officers. It is estimated that $6 million is spent to train a pilot. We as a nation cannot afford to continually train our people, only to lose them to the private sector. It is unarguably far better to retain than retrain.

There is hope that we are now beginning to address these challenges. Last year was a momentous one for our military personnel. The Senate passed legislation that significantly enhances the quality of life for our military personnel. I am the Ranking Democrat on the Armed Service, Committee. The Senate, with my vote and support, passed legislation that significantly enhances the quality of life for our military personnel from retirement reform to pay raises. This Congress is on record supporting our men and women in uniform. However, more must be done.

In talking with our military personnel on my visits to the military bases in Georgia and around the world, we know that money alone is not enough. One of the things I would like to do is focus on education as a wonderful addition to the positive incentives we offer people to come into the military and stay in the military. Education, as a matter of fact, is the No. 1 reason service members come into the military. Unfortunately it is also the No. 1 reason why its members are leaving. We have to restructure our educational program in the military. We have to have a new GI bill. We have to provide hope to our military people, hope that the military can become the greatest university they will ever encounter.

Last year the Senate began to address this issue by supporting improved education benefits for military members and their families but we encountered some concerns in the House. Since last year, we have gone back and studied this issue further. In reviewing the current Montgomery GI bill—named after the wonderful Representative from Mississippi, Congressman Sonny Montgomery—we found several disincentives and conflicts among the education benefits offered by the services. These conflicts make the GI bill, which is actually an earned benefit, less attractive than it could be.

My legislation will improve and enhance the current educational benefits and create the GI bill for the 21st century.

One of the most important provisions of my legislation would give the Service Secretaries the ability to authorize a service member to transfer his or her basic MGIB benefits, educationally, to family members. Many service members tell us that they really want to stay in the service, but do not feel that they can stay and provide an education for their families. This proposed change will give them an opportunity to stay in the service and still provide an education for their spouses and children. It will give the Service Secretaries a very powerful retention tool by allowing them to authorize transfer of basic GI bill benefits, that are earned through the service of the service man or woman, anytime after 6 years of service.

To encourage members to stay longer, the transferred benefits could not be used until completion of at least 10 years of service. I believe that the services can use this much like a reenlistment bonus to retain valuable service members. It can be creatively combined with reenlistment bonuses to create a very powerful and cost effective incentive for highly skilled military personnel to stay in the Service. In talking with service members upon their departure from the military, we have found that family considerations play a crucial role in the decision of a member to continue their military career.

I found in discussions with military families and service members that at the 8- to 10- to 12-year mark when young service members are beginning to make a choice about whether to stay in the military, that choice is driven not so much by their own choice to serve the country—obviously they want to serve the country and stay in the military—that choice is more and more driven by family needs, whether their spouse is employed or whether their spouse would like to gain an extra degree or whether they need to create a college fund for their kids.

Reality dictates that we must address the needs of the family in order to retain our soldiers, sailors, airmen, and marines.

My legislation would also give the Secretaries the authority to authorize the Veterans' Educational Assistance Program, known as VEAP. Those

VEAP participants and those active duty personnel who did not enroll in Montgomery GI bill to participate in the current GI bill program. The VEAP participants would contribute $1,200, and those who did not enroll in the Montgomery GI bill would contribute $1,500. The services would pay any additional costs of the benefits of this measure.

Another enhancement made by my proposal to the current GI bill extends the period in which the members of Reserve Components can utilize the program. I was shocked to find out that currently, Reserve members lose their education benefits when they leave the service or after 10 years of service. Amazing, they have no benefits when they leave service. My legislation will permit them to use the benefits up to 5 years after their separation from the military. This will encourage them to stay in the Reserves for a full career.

It is obvious we are calling upon our reservists and our guards men and women more and more to fulfill our commitments around the globe. This will, I think, fulfill this Nation's commitment, certainly to our reservists, for an improvement in their educational opportunities.

Other provisions of this legislation would allow the Service Secretaries to pay 100 percent tuition assistance or enable service members to use the GI bill to cover any unpaid tuition and expenses when the services do not pay 100 percent of tuition.

This will allow a service member an additional incentive to use the GI bill in service. Education begets education.

I believe this is a necessary next step for improving education benefits for our military members and their families. We have to offer them credible choices. If we offer them such options and treat the members and their families properly, we will show them our respect for their service and dedication, which they expect. Maybe then we can turn around our current sad retention statistics. This GI bill is an important retention tool for the services.

We must continue to focus our resources on retaining our personnel based on their actual life needs, particularly their need for an educational opportunity. This bill gives them hope.

ADDITIONAL COSPONSORS

S. 682

At the request of Mr. HELMS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 729

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1116

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income.

S. 1507

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1507, a bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1729

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1738

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 1755

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri (Mr. BOND) 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 name of the Senator from Nevada (Mr. REID) was added as a cosponsor 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. 1946

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act,'' to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 1998

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1998, a bill to establish the Yuma Crossing National Heritage Area.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2082

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Mississippi

(Mr. LOTT) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of 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.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2311

At the request of Mr. JEFFORDS, the names of the Senator from Utah (Mr. BENNETT), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2314

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2314, a bill for the relief of Elian Gonzalez and other family members.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from California (Mrs. FEINSTEIN), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2340

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2340, 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.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S.J. RES. 3

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 103—HONORING THE MEMBERS OF THE ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES WHO SERVED THE NATION DURING THE VIETNAM ERA AND THE FAMILIES OF THOSE INDIVIDUALS WHO LOST THEIR LIVES OR REMAIN UNACCOUNTED FOR OR WERE INJURED DURING THAT ERA IN SOUTHEAST ASIA OR ELSEWHERE IN THE WORLD DEFENSE OF UNITED STATES NATIONAL SECURITY INTERESTS

Mr. CLELAND submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 103

Whereas the United States Armed Forces conducted military operations in Southeast Asia during the period (known as the ''Vietnam era'') from February 28, 1961, to May 7, 1975;

Whereas during the Vietnam era more than 3,403,000 American military personnel served in the Republic of Vietnam and elsewhere in Southeast Asia in support of United States military operations in Vietnam, while millions more provided for the Nation's defense in other parts of the world;

Whereas during the Vietnam era untold numbers of civilian personnel of the United States Government also served in support of United States operations in Southeast Asia and elsewhere in the world;

Whereas May 7, 2000, marks the 25th anniversary of the closing of the period known as the Vietnam era; and

Whereas that date would be an appropriate occasion to recognize and express appreciation for the individuals who served the Nation in Southeast Asia and elsewhere in the world during the Vietnam era: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of the members of the Armed Forces and Federal civilian employees who during the Vietnam era served the Nation in the Republic of Vietnam and elsewhere in Southeast Asia or otherwise served in support of United States operations in Vietnam and in support of United States national security interests throughout the world;

(2) recognizes and honors the sacrifice of the families of those individuals referred to in paragraph (1) who lost their lives or remain unaccounted for or were injured during that era, in Southeast Asia or elsewhere in the world, in defense of United States national security interests; and

(3) encourages the American people, through appropriate ceremonies and activities, to recognize the service and sacrifice of those individuals.

SENATE RESOLUTION 285—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE PARITY AMONG THE COUNTRIES THAT ARE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT WITH RESPECT TO THE PERSONAL EXEMPTION ALLOWANCE FOR MERCHANDISE PURCHASED ABROAD BY RETURNING RESIDENTS, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. GREGG, Mr. KYL, Mr. LEAHY, and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 285

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas an United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $400 worth of merchandise;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for a visit of over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries is not reached within 1 year after the date of the adoption of this resolution,

the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress on whether legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established in the other countries that are parties to the North American Free Trade Agreement.

Ms. COLLINS. Mr. President, I thank the Senator from Texas and salute the work she has done on behalf of retail businesses in border communities in Texas on the very issue I am about to discuss.

Mr. President, I rise today to submit a resolution seeking parity among the countries that are parties to the North American Free-Trade Agreement with respect to the personal exemption allowance for merchandise purchased by returning residents. I am pleased to be joined today by Senators MOYNIHAN, KYL, GREGG, HUTCHISON, and LEAHY as original cosponsors.

NAFTA was intended to remove trade barriers among the countries of the United States, Canada, and Mexico. While some of the goals of NAFTA have been realized, glaring inequities remain. One such inequity that affects small businesses, particularly retailers, located in border communities is the difference in personal exemption allowances permitted by the U.S. versus the allowances permitted by Canada and Mexico.

For Maine citizens living near the U.S./Canadian border, moving freely and frequently between the two countries is a way of life. Cross-border business and family relationships abound. The difference in personal exemption allowances, however, puts Maine businesses near the Canadian border at a considerable disadvantage in relation to their Canadian counterparts. Let me explain why. A United States citizen traveling to Canada for fewer than 24 hours is exempt from paying duties on $200 worth of merchandise. For trips over 48 hours, the exemption increases to $400 worth of merchandise. Under our laws, Canadian stores are able to serve both Canadian and American customers and, because of the exemption level, can sell Americans a significant amount of merchandise duty-free.

Unfortunately, this situation only works one way. A Canadian citizen is allowed a duty-free personal exemption allowance of only $50 for a 24-hour visit and $200 for a 48-hour visit. This means that a Canadian shopping for the day in the border communities of Fort Kent, Madawaska, or Calais or indeed anywhere in Maine can bring home only $50 worth of merchandise before a duty is imposed. This is a significant deterrent to Canadians who would otherwise shop in Maine communities.

This disparity harms many Maine businesses, including Central Building Supplies, a small, family-owned home building materials business that has been in the same location in Madawaska, Maine for 35 years. Its owner wrote to me concerned about this issue. Over the past couple years, his small store has lost sales in kitchen cabinets, windows, wood flooring, and ceramic tile largely due to the inequity in duty allowances and the exchange rate. Whether they are located in the St. John Valley or in Washington County, small businesses cite similar problems. The allowance disparity also hurts stores in the Aroostook Centre Mall and the Bangor Mall, which have traditionally attracted Canadian shoppers.

This discrepancy in personal exemption allowances gives an enormous competitive advantage to the Canadian and Mexican retailers. It gives these retailers to our north and the south access to cross-border shoppers while limiting that same opportunity for American retailers. Mr. President, this is not fair trade, and this is not free trade. This parity should be eliminated.

The resolution I am submitting today would express the sense of the Senate that the United States Trade Representative and the Secretary of the Treasury should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure. In the event that parity in the personal exemption is not reached within one year after the date of the adoption of this resolution, this resolution would require the United States Trade Representative and the Secretary of the Treasury to submit recommendations to Congress on whether legislative changes are necessary to achieve personal exemption parity. The steps set forth in this resolution would begin to resolve this inequity. I urge my colleagues to support its swift passage.

I thank the Senator from Texas for not only yielding but for cosponsoring this resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I commend my colleague from Maine for submitting this resolution. It is very similar to a resolution I submitted 2 years ago. Unfortunately, the U.S. Trade Representative has not taken this cause as a serious cause. I hope with bipartisan support on Senator COLLINS' resolution the U.S. Trade Representative will see this is an issue on the northern border and on the southern border. It is a very serious issue that severely disadvantages retailers in the United States and also is a handicap for the consumers in both Canada and Mexico that want to purchase big items such as television sets, refrigerators, washing machines, and dryers available on the borders that they are not able to purchase without huge tariffs.

We passed the North American Free Trade Agreement to do away with tariffs so we would have free and open trade across our borders. It is not working when it comes to retailing in that cross border area where people walk back and forth. Parity is achieved if you fly in and out of our three countries, but not if you go across by car.

It is a terrible inequity. I hope Senator COLLINS' resolution gets the attention of our U.S. Trade Representative about the seriousness of this issue. I commend her for the resolution.

AMENDMENTS SUBMITTED

LEGISLATION INSTITUTING A FEDERAL FUELS TAX HOLIDAY

COLLINS AMENDMENTS NOS. 3088–3089

(Ordered to lie on the table.)

Ms. COLLINS submitted two amendments intended to be proposed by her to the bill (S. 2285) instituting a Federal fuels tax holiday; as follows:

AMENDMENT NO. 3088

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Fuels Tax Holiday Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AVIATION FUEL, AND SPECIAL FUELS, BY 4.3 CENTS.

(a) TEMPORARY REDUCTION IN FUEL TAXES.—During the applicable period, each rate of tax referred to in subsection (b) shall be reduced by 4.3 cents per gallon.

(b) RATES OF TAX.—The rates of tax referred to in this subsection are the rates of tax otherwise applicable under—

(1) paragraphs (1), (2), and (3) of section 4041(a) of the Internal Revenue Code of 1986 (relating to special fuels),

(2) subsection (m) of section 4041 of such Code (relating to certain alcohol fuels),

(3) subparagraph (C) of section 4042(b)(1) of such Code (relating to tax on fuel used in commercial transportation on inland waterways),

(4) clauses (i), (ii), and (iii) of section 4081(a)(2)(A) of such Code (relating to gasoline, diesel fuel, and kerosene),

(5) paragraph (1) of section 4091(b) of such Code (relating to aviation fuel), and

(6) paragraph (2) of section 4092(b) of such Code (relating to fuel used in commercial aviation).

(c) SPECIAL REDUCTION RULES.—

(1) IN GENERAL.—Subsection (a) shall be applied by substituting for ''4.3 cents''—

(A) ''3.2 cents'' in the case of fuel described in section 4041(a)(2)(B)(ii) of such Code (relating to liquefied petroleum),

(B) ''2.8 cents'' in the case of fuel described in section 4041(a)(2)(B)(iii) of such Code (relating to liquefied natural gas),

(C) ''48.54 cents'' in the case of fuel described in section 4041(a)(3)(A) of such Code (relating to compressed natural gas), and

(D) ''2.15 cents'' in the case of fuel described in section 4041(m)(1)(A)(ii)(I) of such Code (relating to certain alcohol fuel).

(2) CONFORMING RULES.—In the case of a reduction under subsection (a)—

(A) section 4081(c) of such Code shall be applied without regard to paragraph (6) thereof,

(B) section 4091(c) of such Code shall be applied without regard to paragraph (4) thereof,

(C) section 6421(f)(2) of such Code shall be applied by disregarding ''and, in the case'' and all that follows,

(D) section 6421(f)(3) of such Code shall be applied without regard to subparagraph (B) thereof,

(E) section 6427(l)(3) of such Code shall be applied without regard to subparagraph (B) thereof, and

(F) section 6427(l)(4) of such Code shall be applied without regard to subparagraph (B) thereof.

(d) MAINTENANCE OF TRUST FUNDS DEPOSITS.—On April 16, 2000, the Secretary of the Treasury shall determine the amount any Federal trust fund would have received in gross receipts during the applicable period had this section not been enacted. Such amount shall be appropriated and transferred from the general fund to the applicable trust fund in the manner in which such gross receipts would have been transferred by the Secretary of the Treasury and such amount shall be treated as taxes received in the Treasury under the applicable section of the Internal Revenue Code of 1986 described in subsection (b).

(e) APPLICABLE PERIOD.—For purposes of this section, the term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

SEC. 3. FLOOR STOCKS CREDIT.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 2(b) has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') against the taxpayer's subsequent semimonthly deposit of such tax 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 the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of the Internal Revenue Code of 1986; except that the term ''dealer'' includes a position holder, and

(2) the term ''tax reduction date'' means April 16, 2000.

(d) 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 section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which a tax referred to in section 2(b) would have been imposed during the applicable period but for the enactment of this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the excess of—

(1) the tax referred to in section 2(b) which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date, over

(2) the amount of such tax previously paid (if any) with respect to such liquid.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 45 days after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means January 1, 2001.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax referred to in section 2(b) is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle, motorboat, vessel, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of such liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account any liquid held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

AMENDMENT NO. 3089

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Fuels Tax Holiday Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AVIATION FUEL, AND SPECIAL FUELS, BY 4.3 CENTS.

(a) TEMPORARY REDUCTION IN FUEL TAXES.—During the applicable period, each rate of tax referred to in subsection (b) shall be reduced by 4.3 cents per gallon.

(b) RATES OF TAX.—The rates of tax referred to in this subsection are the rates of tax otherwise applicable under—

(1) paragraphs (1), (2), and (3) of section 4041(a) of the Internal Revenue Code of 1986 (relating to special fuels),

(2) subsection (m) of section 4041 of such Code (relating to certain alcohol fuels),

(3) subparagraph (C) of section 4042(b)(1) of such Code (relating to tax on fuel used in commercial transportation on inland waterways),

(4) clauses (i), (ii), and (iii) of section 4081(a)(2)(A) of such Code (relating to gasoline, diesel fuel, and kerosene),

(5) paragraph (1) of section 4091(b) of such Code (relating to aviation fuel), and

(6) paragraph (2) of section 4092(b) of such Code (relating to fuel used in commercial aviation).

(c) SPECIAL REDUCTION RULES.—

(1) IN GENERAL.—Subsection (a) shall be applied by substituting for ''4.3 cents''—

(A) ''3.2 cents'' in the case of fuel described in section 4041(a)(2)(B)(ii) of such Code (relating to liquefied petroleum),

(B) ''2.8 cents'' in the case of fuel described in section 4041(a)(2)(B)(iii) of such Code (relating to liquefied natural gas),

(C) ''48.54 cents'' in the case of fuel described in section 4041(a)(3)(A) of such Code (relating to compressed natural gas), and

(D) ''2.15 cents'' in the case of fuel described in section 4041(m)(1)(A)(ii)(I) of such Code (relating to certain alcohol fuel).

(2) CONFORMING RULES.—In the case of a reduction under subsection (a)—

(A) section 4081(c) of such Code shall be applied without regard to paragraph (6) thereof,

(B) section 4091(c) of such Code shall be applied without regard to paragraph (4) thereof,

(C) section 6421(f)(2) of such Code shall be applied by disregarding ''and, in the case'' and all that follows,

(D) section 6421(f)(3) of such Code shall be applied without regard to subparagraph (B) thereof,

(E) section 6427(l)(3) of such Code shall be applied without regard to subparagraph (B) thereof, and

(F) section 6427(l)(4) of such Code shall be applied without regard to subparagraph (B) thereof.

(d) MAINTENANCE OF TRUST FUNDS DEPOSITS.—On April 16, 2000, the Secretary of the Treasury shall determine the amount any Federal trust fund would have received in gross receipts during the applicable period had this section not been enacted. Such amount shall be appropriated and transferred from the general fund to the applicable trust fund in the manner in which such gross receipts would have been transferred by the Secretary of the Treasury and such amount shall be treated as taxes received in the Treasury under the applicable section of the Internal Revenue Code of 1986 described in subsection (b).

(e) APPLICABLE PERIOD.—For purposes of this section, the term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

SEC. 3. FLOOR STOCKS CREDIT.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 2(b) has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') against the taxpayer's subsequent semimonthly deposit of such tax 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 the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of the Internal Revenue Code of 1986; except that the term ''dealer'' includes a position holder, and

(2) the term ''tax reduction date'' means April 16, 2000.

(d) 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 section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which a tax referred to in section 2(b) would have been imposed during the applicable period but for the enactment of this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the excess of—

(1) the tax referred to in section 2(b) which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date, over

(2) the amount of such tax previously paid (if any) with respect to such liquid.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 45 days after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means January 1, 2001.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax referred to in section 2(b) is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle, motorboat, vessel, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of such liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account any liquid held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

ROTH AMENDMENT NO. 3090

Mr. LOTT (for Mr. ROTH) proposed an amendment to the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicble to unmarried individuals; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Marriage Tax Relief Act of 2000''.

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C) for the taxable year'';

(2) by adding ''or'' at the end of subparagraph (B);

(3) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be the applicable percentage of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	**The applicable percentage is—**
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0.

''(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting ''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking ''AMOUNTS.—The earned'' and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned''; and

(2) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,500.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,500 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 5. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed for the taxable year by section 55(a).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

GRAHAM AMENDMENT NO. 3091

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment to be proposed by him to the bill, H.R. 6, supra; as follows:

At the end add the following:

SEC. ___. DELAY IN EFFECTIVE DATE.

(a) FINDINGS.—The Senate finds the following:

(1) The social security program is the foundation upon which millions of Americans rely for income during retirement or in the event of disability.

(2) For nearly two-thirds of seniors living alone, social security comprises 50 percent or more of their total income.

(3) The medicare program provides essential medical care for tens of millions of older and disabled Americans.

(4) During the 35-year history of the program, medicare has helped lift elderly Americans out of poverty and has improved and extended their lives.

(5) According to the 2000 annual report of the Board of Trustees of the social security trust funds—

(A) beginning in 2016, payroll tax revenue will fall short of the amount needed to pay current benefits, necessitating the use of interest earned on trust fund assets and then the eventual redemption of those assets; and

(B) assets of the combined retirement and disability trust funds will be exhausted in 2037.

(6) According to the 2000 annual report of the Board of Trustees of the social security trust funds, assets in the medicare health insurance trust fund will be exhausted in 2023.

(7) The Congressional Budget Office has prepared 3 estimates of the non-social security surplus for the next 10 years which range in size from $838,000,000,000 to $1,918,000,000,000.

(8) The presence of non-social security surpluses present Congress with the opportunity to address the long-term funding shortfall facing the social security and medicare programs.

(b) DELAY IN EFFECTIVE DATE.—Notwithstanding any other provision of, or amendment made by, this Act, no such provision or amendment shall take effect until legislation has been enacted that extends the solvency of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act through 2075 and the Federal Hospital Insurance Trust Fund under part A of title XVIII of such Act through 2025.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m., in SR–332, to conduct a full committee hearing to consider the nomination of Christopher McLean to be Administrator for the Rural Utilities Service for the Department of Agriculture and to examine how likely reductions in the use of MTBE in reformulated gasoline will affect the demand for renewable fuels.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m., in open session to consider the nominations of Honorable Bernard D. Rostker to be Under Secretary of Defense for Personnel and Readiness, Mr. Gregory R. Dalhberg to be Under Secretary of the Army and Ms. Madelyn R. Creedon to be Deputy Administrator for Defense Programs, National Nuclear Security Administration at the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet on Tuesday, April 11, 2000, at 9:30 a.m., on trade relations with China and WTO.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9 a.m. and 2:30 p.m., to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on ''Early Childhood Programs for Low-Income Families: Availability and Impact'' during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 11, at 10 a.m., to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 2173, the Federal Power Act Amendments of 1999; S. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on April 11, 2000, from 10 a.m.–1 p.m., in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent my military fellow, Tricia Heller, be granted access to the floor at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL ASSISTANCE AUTHORIZATION

Mr. GRAMM. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 11, 2000, from myself to Senator LOTT in regard to S. 2382.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, April 11, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: As you know, paragraph 1(j)(10) of Rule XXV of the Standing Rules of the Senate provides that ''at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to [the International Monetary Fund and other monetary organizations] reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs.''

On April 7, 2000, the Committee on Foreign Relations reported S. 2382, an original measure that includes several key IMF reform and authorization provisions. Therefore, on behalf of the Committee on Banking, Housing, and Urban Affairs, I hereby request the referral of S. 2382 to the Committee on Banking.

Thank you for your attention to this matter.

Yours respectfully,

PHIL GRAMM,
Chairman.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Wednesday, April 12, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 2000:

DEPARTMENT OF STATE

MICHAEL G. KOZAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

THE JUDICIARY

BERLE M. SCHILLER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE ROBERT S. GAWTHROP, DECEASED.

RICHARD BARCLAY SURRICK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE LOWELL A. REED, JR., RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RAYMOND P. AYRES, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EMIL R. BEDARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE B. KNUTSON, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM L. NYLAND, 0000

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT F. BYRD, 0000

To be lieutenant colonel

ROBERT K. DOWNEY, 0000
MICHAEL S. MATHER, 0000
MICHAEL W. PELTZER, 0000
GREGORY L. TATE, 0000
JOHN Q. WATTON, 0000
MICHAEL A. WINGFIELD, 0000

To be major

MARK A. CLANTON, 0000
TIMOTHY D. CROFT, 0000
ROCH B. LAROCCA, 0000
JOHN S. MCFADDEN, 0000
KEVIN C. ROGERS, 0000
JAMES C. SEAMAN, 0000
SCOTT L. SMITH, 0000
JOHN B. STEELE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

JAMES M. BROWN, 0000
GEORGE M. CAMPBELL, JR., 0000
RICHARD E. FLATH, 0000
JAMES L. HOKE, 0000
RONALD W. JONES, 0000
ALAN M. KOLLER, 0000
AUGUST G. LAGEMAN IV, 0000
LEONARD G. LEE, 0000
KENNETH G. LUNDEEN, 0000
CHARLES H. MCDANIEL, 0000
MELVIN R. SCHROEDER, 0000
RICHARD L.J. SCHWEINSBURG, 0000
CHARLES E. SIMPSON, 0000
TOMMY W. SMITH, 0000
THOMAS E. STOKES, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES R. LAKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD L. PAGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DONALD M. ABRASHOFF, 0000
MICHAEL R. ALLEN, 0000
PATRICK E. ALLEN, 0000
ROBERT L. ALLEN, 0000
BRUCE L. ANDERSON, 0000
CHARLES R. ARMSTRONG, 0000
THOMAS E. ARNOLD, 0000
STEVEN B. ASHBY, 0000
JOSEPH P. AUCOIN, 0000
DONALD E. BABCOCK, 0000
ALLEN BANKS, 0000
CARL S. BARBOUR, 0000
BRENT H. BARROW, 0000
MARK L. BATHRICK, 0000
LAWRENCE R. BAUN, 0000
PHILIP G. BEIERL, 0000
DAVID C. BEYRODT, 0000
DOUGLASS T. BIESEL, 0000
JAMES J. BIRD, 0000
ROBERT W. BLAKLEY, 0000
ROBERT E.L. BOND, 0000
EDWARD M. BOORDA, 0000
CHARLES P. BOURNE, 0000
JOSEPH M. BRADLEY, 0000
LOREN R. BREMSETH, 0000
MARK R. BREOR, 0000
SANDRA K. BROOKS, 0000
ANDRES A. BRUGAL, 0000
ROBERT L. BUCKLEY, 0000
PETER S. BUCZYNSKI, 0000
JEROME L. BUDNICK, 0000

KENNETH J. BURKER, 0000
RICHARD S. CALLAS, 0000
HIPOLITO L. CAMACHO, 0000
CHARLES J. CARSON, JR., 0000
LAURIE A. CASON, 0000
JEFFREY M. CATHEY, 0000
DAVID J. CHESLAK, 0000
SUSAN M. CHIARAVALLE, 0000
DENNIS K. CHRISTENSEN, 0000
ROGER W. COLDIRON, 0000
BRUCE A. COLE, 0000
LOUIS J. CORTELLINI, 0000
BRIAN A. COSGROVE, 0000
SAMUEL J. COX, 0000
GEORGE P. CROY III, 0000
BRIAN P. CULLIN, 0000
MARK W. CZARZASTY, 0000
ROBERT E. DEAN, 0000
EDWARD H. DEETS III, 0000
STEVEN P. DESJARDINS, 0000
FERDINAND DIEMER, 0000
KING H. DIETRICH, 0000
KEVIN M. DONEGAN, 0000
CHARLES V. DOTY, 0000
HELEN F. DUNN, 0000
DAVID C. DYKHOFF, 0000
REED A. ECKSTROM, 0000
GARY W. EDWARDS, 0000
CAROL J. H. ELLIS, 0000
JOHN ELNITSKY II, 0000
ADREON M. ENSOR, 0000
JAMES R. EVERETT III, 0000
JOSEPH M. FALLONE, 0000
MAUREEN A. FARREN, 0000
DENNIS E. FITZPATRICK, 0000
KENNETH E. FLOYD, 0000
TIMOTHY V. FLYNN III, 0000
ROBERT L. FORD, 0000
CHARLES W. FOWLER III, 0000
JOHN G. GALLAGHER, 0000
PAUL C. GALLAGHER, 0000
KEVIN P. GANNON, 0000
FRANK W. GARCIA, JR., 0000
EDDIE J. GARDINER, JR., 0000
EARL L. GAY, 0000
MICHAEL C. GERON, 0000
DONALD D. GERRY, JR., 0000
CHRISTOPHER O. GEVING, 0000
MARK A. GILBERTSON, 0000
MARTHA C. GILLETTE, 0000
LARRY M. GILLIS, 0000
KENNETH L. GINADER, 0000
JOSEPH C. GLADYSZEWSKI, 0000
MICHAEL A. GOMORI, 0000
MARK J. GONZALEZ, 0000
JAMES L. GOSNELL, 0000
DENNIS E. GRANGER, 0000
JAMES S. GRANT, 0000
JOHN M. K. GRITTON, 0000
BRUCE E. GROOMS, 0000
PAUL S. GROSSGOLD, 0000
JAMES C. GRUNEWALD, 0000
MARK D. GUADAGNINI, 0000
ALAN E. HAGGERTY, 0000
JOHN R. HALEY, 0000
JANICE M. HAMBY, 0000
JOHN H. HARRINGTON III, 0000
ROBERT M. HARRINGTON, 0000
WILLIAM G. HARRISON, JR., 0000
RICHARD HASCUP, 0000
CHRISTOPHER A. HASE, 0000
EDWARD S. HEBNER, 0000
ANTONY O. HEIMER, 0000
MARVIN H. HEINZE, 0000
DEREK H. HESSE, 0000
THOMAS J. HEWITT, 0000
ROBERT M. HIBBERT, 0000
JAMES K. HISER, 0000
WILLIAM F. HOEFT, 0000
TIMOTHY J. HOWINGTON, 0000
GORDON J. HUME, 0000
PAUL M. INSCH, 0000
JONATHAN C. IVERSON, 0000
STEVEN M. JACOBSMEYER, 0000
DOREEN E. JAGODNIK, 0000
STEVEN C. JOACHIM, 0000
BRADLEY E. JOHANSON, 0000
JOSEPH A. JOHNSON, 0000
KEVIN R. JOHNSON, 0000
DAVID A. JONES, 0000
TERRANCE G. JONES, 0000
GEORGE J. KAROL, 0000
DEREK B. KEMP, 0000
STEPHEN S. KING, 0000
MARK D. KLATT, 0000
WILLIAM J. KLAUBERG, JR., 0000
LENDALL S. KNIGHT, 0000
CAROLINE B. KONCZEY, 0000
DAVID L. KRUEGER, 0000
ANTHONY M. KURTA, 0000
PHILLIP R. LAMONICA, 0000
ALBERT G. LANG, JR., 0000
DAVID L. LASHBROOK, 0000
ALFRED LEDESMA, 0000
WANDA F. LEONARD, 0000
WILLIAM K. LESCHER, 0000
JERRY W. LEUGERS, 0000
DAVID H. LEWIS, 0000
STEVEN W. LITWILLER, 0000
ALBERT F. LORD, JR., 0000
RENATA P.Y. LOUIE, 0000
KEITH W. LUDWIG, 0000
DAVEN L. MADSEN, 0000
MICHAEL T. MALINIAK, 0000
BARBARA A. MARMANN, 0000
SHELLEY S. MARSHALL, 0000
CHARLES P. MARTELLO, 0000
DANNY E. MASON, 0000
STEPHEN D. MATTS, 0000
THOMAS E. MCCAFFREY, 0000
JAMES F. MCCARTHY, 0000
CHARLES A. MCCAWLEY, 0000
LESLIE J. MCCOY, 0000
JAMES R. MCGOVERN, JR., 0000
ROBERT A. MCNAUGHT, 0000
DAVID E. MEADOWS, 0000
RICHARD A. MEDLEY, 0000
JAMES M. MELESKY, 0000
CHRISTOPHER A. MELHUISH, 0000
TERRY L. MERRITT, 0000
GREGORY A. MILLER, 0000
SCOT A. MILLER, 0000
DENNIS E. MITCHELL, 0000
ALAN R. MOORE, 0000
CHARLES R. MORGAN, 0000
MICHAEL D. MORGAN, 0000
DANIEL J. MORGIEWICZ, 0000
DAVID T. MORONEY, 0000
ALAN C. MOSER, 0000
JAMES A. MURDOCH, 0000
JOSEPH W. MURPHY, 0000
KENNETH P. NEUBAUER, 0000
SANTIAGO R. NEVILLE, 0000
DAVID A. NEWLAND, 0000
GERALD F. NIES, 0000
DANIEL I. NYLEN, 0000
ANN C. OCONNOR, 0000
WILLIAM G. OKONIEWSKI, 0000
DAVID A. OLIVIER, 0000
MARY M. ORBAN, 0000
DANIEL L. OUIMETTE, 0000
FRANK C. PANDOLFE, 0000
LUKE R. PARENT, 0000
CHRISTOPHER L. PARENTE, 0000
RICHARD J. PERA, 0000
CLIFTON E. PERKINS, JR., 0000
DANIEL J. PETERS, 0000
JOHN W. PETERSON, 0000
JOSEPH P. PETERSON, 0000
PRESTON C. PINSON, 0000
DAVID B. PORTER, 0000
ROBERT G. PRESLER, 0000
BETTY J. PUTNAM, 0000
RONALD G. RAHALL, 0000
TERRY D. RAINS, 0000
MICHAEL W. REEDY, 0000
PHILIP G. RENAUD, 0000
WALTER J. RICHARDSON, JR., 0000
TERESA W. ROBERTS, 0000
KENNETH M. ROME, 0000
SCOTT L. ROME, 0000
BENJAMIN F. ROPER, 0000
THORNWELL F. RUSH, JR., 0000
GABRIEL R. SALAZAR, 0000
FERDINAND L. SALOMON III, 0000
JEAN M. SANDO, 0000
WILLIAM V. SCARDINA, JR., 0000
BRIAN C. SCOTT, 0000
LELAND H. SEBRING, JR., 0000
AUGUST J. SERENO, JR., 0000
KATHARINE J. SHANEBROOK, 0000
KATHY A. SHIELD, 0000
JAMES L. SMITH, 0000
JUDY L. SMITH, 0000
JOHN W. SNEDEKER, JR., 0000
DANIEL J. SOPER, 0000
THOMAS L. SPARKS, 0000
JOHN G. SPEER, 0000
SEAN J. STACKLEY, 0000
VICTOR A. STEINMAN, 0000
CHRISTIAN M. STEINMETZ, 0000
ANN F. STENCIL, 0000
JAMES G. STEVENS, 0000
RICHARD V. STOCKTON, 0000
ROBERT B. STONEY, 0000
STEVEN I. STRUBLE, 0000
SEAN P. SULLIVAN, 0000
RICHARD D. SUTTIE, 0000
SCOTT H. SWIFT, 0000
STEPHEN L. SZYSZKA, 0000
GEORGE R. TEUFEL, 0000
DAVID M. THOMAS, 0000
ROBERT L. THOMAS, JR., 0000
MANNING M. TOWNSEND, 0000
NORA W. TYSON, 0000
KEVIN K. UHRICH, 0000
JON H. UNDERWOOD, 0000
FRANK D. UNETIC, JR., 0000
MARK A. VANCE, 0000
GORDAN E. VANHOOK, 0000
ROBERT J. VOIGT, 0000
KENNETH D. WALKER, 0000
SUSAN E. WALTERS, 0000
MICHAEL C. WARMBIER III, 0000
JAMES L. WARREN, 0000
RONALD E. WEISBROOK, 0000
TERRY S. WICHERT, 0000
PETER I. WIKUL, 0000
MARY E. WILLIAMS, 0000
ROBERT S. WINNEG, 0000
DARLENE R. WOODHARVEY, 0000
MARK S. WOOLLEY, 0000
DAVID C. WOOTEN, 0000
NATALIE K. S. YOUNGARANITA, 0000
CHARLES ZINGLER, 0000

EXTENSIONS OF REMARKS

THE SENIORS HEALTH CHOICE PRESERVATION ACT

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. FOLEY. Mr. Speaker, today, I am introducing the Seniors Health Choice Preservation Act. This bill will protect Medicare+Choice HMOs from additional payments cuts. Furthermore, the bill will assist Medicare HMO's that cover preservation drugs so that they can continue to provide this important benefit.

I believe we have a commitment to America's seniors to provide dependable health care through the Medicare program.

I strongly supported giving seniors more options and flexibility when I voted for Medicare+Choice in the Balanced Budget Act.

Empowering consumers to choose their care is the best way to improve quality and affordability in the health care system.

Unfortunately, more than 700,000 Medicare beneficiaries in Medicare+Choice HMOs nationwide have had their coverage either disrupted or discontinued over the past two years.

In some congressional districts—like mine—many seniors were forced to return to fee-for-service Medicare because there were no other options in this area. Even in areas that still have Medicare HMOs, seniors have been hit with increased out-of-pocket costs and reduced benefits,

Seniors in my district love their HMOs. They get things like prescription drug coverage, dental care, and eye exams and glasses. At a time when HMOs are getting a bad rap in a lot of places, we want to keep our HMOs in Florida.

Unfortunately, the policies of the Health Care Financing Administration are making this very hard to do. They have taken some well-intentioned provisions in the Balanced Budget Act and twisted them in order to cut payments to the HMOs who need it most, forcing them to leave certain areas—like rural areas—where they can't cover their expenses.

Even though we provided these HMOs with some relief last year, we need to build on this work to guarantee that current and future generations of Medicare beneficiaries have a strong health care system that offers them choices in how they receive care.

I urge my colleagues to cosponsor the Seniors Health Choice Preservation Act in order to preserve their constituents health care choices and to prevent future crisis for seniors on Medicare.

COMMENDING JAMES SPELLMAN, SR. OF PAWCATUCK, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GEJDENSON. Mr. Speaker, today I commend Mr. James Spellman, Sr. of Pawcatuck, Connecticut for more than five decades of public service on behalf of his Town, State and Country. On April 28, Mr. Spellman will mark his 80th birthday.

Mr. Spellman has dedicated the better part of his adult life in roles assisting the residents of his community and beyond. He served as a member of the Board of Education between 1948 and 1953. From 1955 and 1961, he was Judge on the Stonington Town Court. In 1961, Mr. Spellman was elected to his initial term as First Selectman. He would be reelected to this position successively for another 11-terms until he stepped down in 1985. His long tenure is a testament to the excellence of his service which was marked by innovation, foresight and a balanced stewardship of Town affairs.

During those years, the Town of Stonington went through a period of considerable growth, adding three new schools, a police station and a significant amount of public infrastructure necessary to serve a growing population and to respond to economic development fueled by the tourism industry. Throughout his career as Chief Elected Official and Chief Administrative Officer, Mr. Spellman was known for his concern for all segments of the community, his willingness to respond to constituent needs at all times of the day and night, and his sincerity in pursuing the duties of the office.

Jim Spellman has also served his nation in a number of capacities. He was in the Navy in the Pacific during World War II. He was a member of the Atlantic States Marine Fisheries Commission for nearly 15 years. In this assignment, he worked to ensure that the region's fishery resources would be healthy for existing and future generations of fishermen from Stonington and throughout southeastern Connecticut.

Mr. Speaker, James Spellman, Sr. has a record of service to his community that few will ever equal. Although he no longer holds formal positions on boards or commissions, he continues to remain active in the community offering his bountiful experience and energy to help Stonington in the Twenty First Century. I joint citizens in Stonington in wishing him all the best in the years ahead.

HONORING STEVEN T. KOIKE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I honor Steven T. Koike for being named the recipient of the second annual Award for Outstanding Achievement, by the Friends of Agricultural Extension.

The Friends of Agricultural Extension is a volunteer group that supports the Agricultural Extension program in the San Joaquin Valley. Each year Friends of Agricultural Extension publicly recognizes the author of an outstanding program in adaptive research and extension, which addresses a problem or opportunity facing production agriculture. This year, Koike's program, on the subject ''Research and Education about Spinach Diseases: A Model for Responding to the Needs of Growers of Minor Crops in California'', has been selected.

Steven T. Koike serves as the Plant Pathology Farm Advisor for Monterey County as well as the counties of Santa Cruz and San Benito. Koike's research specializes in regional diagnosis of diseases of vegetables and floral plants.

Koike, in assuming the position he now holds, brought to the region the vision of a country-based pathology laboratory to provide rapid diagnostic and research services to the farming community.

Koike envisioned and brought into being (through grants, industry support, and county resources) a pathology laboratory fully equipped to deal with most fungal, bacterial, and nematode pests.

Steven T. Koike, with the laboratory in place, is able to provide California farmers timely and accurate diagnostic methods, serving growers and farm advisors from no less than 15 California counties.

Mr. Speaker, it is my pleasure to honor Mr. Steven T. Koike for his extraordinary research in the field of plant pathology, and to congratulate him on being named the recipient of the second annual Award for Outstanding Achievement. I urge my colleagues to join me in wishing Mr. Koike many more years of continued success.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1776) to expand homeownership in the United States:

Mr. PASCRELL. Mr. Chairman, I rise in support of this amendment by my estimable colleague from California, Congresswoman WATERS.

As a former Mayor of a large city, I know a thing or two about depending on Community Development Block Grants (CDBG) and the HOME Investment Partnership Program (HOME) to pay for services and housing for

poor communities. And let me tell you—there is never enough money in the pot to meet the needs of those communities.

I think the proposals made here today are great. I think creating incentives for teachers and police officers to move into distressed communities is a great idea. Mixed income communities provide lower income neighborhoods with much-needed role models and opportunities.

But let us be very clear about the funding for these changes. The money for these proposals we are discussing here today will have to come from the same pot of money that is currently set aside for the very neediest of Americans.

And there isn't enough of it to go around.

Today the floor is filled with talk about the need to reinvest in our communities. What I want to know is—when we are all back here in the fall debating the budget, will we be as committed to these programs—to these communities—as we are today?

Will we be willing to put our money where our mouth is today?

I support this underlying legislation. We should work together to revitalize those areas that need our attention.

If we are going to take these programs beyond their intended mission, we should be prepared to increase the funding necessary to add each of the groups we want to make eligible.

We cannot stretch dollars too thin at the expense of the people we say we are trying to lift up. I look forward to working with the sponsors of this legislation to ensure that the funding is in place to meet our shared goals.

HONORING THE DISTINGUISHED CAREER OF RAY MINTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GORDON. Mr. Speaker, I rise today to congratulate Ray Minton on his retirement as the Cannon County Election Commission's Administrator of Elections. He has served as Cannon County's chief election officer for 32 years.

A lot has changed since 1968, the year Ray started working for the Cannon County Election Commission. Ballots have gone from paper to computer, and records from handwritten to typed to computer. District lines have been redrawn. Candidates have won or lost by the will of the voting public.

No doubt the biggest change in Ray's life and the event that led him to the election commission was the discovery of a cancerous spinal tumor. After losing the use of his legs, he began to work part time at the election commission as part of his recovery. Ray has said that the work kept him busy and made him feel needed. And I can assure you that Ray has been, and still is, needed by his community and friends like myself.

We will sorely miss him, but I'm sure Ray will continue to be a positive role model, admired for his attitude and service to his community.

Ray, I wish you the best of luck in any new endeavors you decide to take on and for you to have a long and happy retirement spent with your family and friends.

HONORING DOCTOR ROCCO ORLANDO FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today and join the Italian American Historical Society of Greater New Haven as they pay tribute to one of our community's outstanding citizens, my cousin, Dr. Rocco Orlando. This evening family, friends, and colleagues will gather as Rocco is honored with this year's Distinguished Service Award.

I often speak of our Nation's need for talented, creative, enthusiastic teachers who are ready to help our children learn and grow. Rocco is just that kind of educator. Throughout his career he has touched the lives of children from elementary school to college. His career culminated as he was appointed as a professor in the Sixth Year Graduate Program in Educational Leadership at Southern Connecticut State University—charged with preparing students for administrative positions in public school systems themselves.

Public education is the cornerstone of the American dream, leveling the playing field and providing every child with the opportunity to make the most of his or her talents. It is talented professionals like Rocco who truly shape the leaders of tomorrow. His unique dedication to education extends outside the classroom into the community itself. Rocco has long been affiliated with the New Haven Scholarship fund, currently serving as vice president, enabling hundreds of needy students to continue their education.

Shortly after the Connecticut General Assembly passed a collective bargaining law in 1966, Rocco began to study the effectiveness of the provided mediation process. His doctoral dissertation studied the collective bargaining negotiations between teacher organizations and Boards of Education in Connecticut. His extensive research led to his appointments, which he continues to hold, as an Arbitrator with the Connecticut State Board of Arbitration and Mediation, the Connecticut Board of Education and the Office of Policy and Management of the State of Connecticut. Rocco has worked diligently to ensure that the concerns and goals of employees and management are heard in a fair and just forum—helping to create an environment which meets the best interests of all Connecticut residents.

Today, as Rocco is honored with this very special award, I would like to express my deepest thanks and appreciation for his tireless efforts on behalf of our young people. He has made a real difference in the lives of many, leaving an indelible mark on our children and community. I am honored to join with his wife, Rae; children, Lisa and her husband Michael, Rocco and his wife, Joanne; grandchildren, Laura, Alexander, and Rocco; family; friends; colleagues; and the Italian American Historical Society to congratulate Rocco as the recipient of this year's Distinguished Service Award. His remarkable contributions are a reflection of the very spirit of this award.

INTRODUCTION OF THE FEDERAL WORKFORCE DIGITAL ACCESS ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. CUMMINGS. Mr. Speaker, with the Government's increasing dependence on information technology to accomplish agency goals, and at the fast pace with which technology is changing, the Government is finding it difficult to hire, train, and retain a technology literate workforce. The ability to use computers and the Internet has become indispensable to employees' education, career, social, and cultural advancement. Technology literacy has become not only a basic job requirement, but also a basic life skill.

Economists and policymakers have highlighted an acceleration in the growth of productivity, which measures worker output per hour, as a key reason the economy has performed so well in recent years. Economists have attributed the rise in productivity to better management, and to a wave of business investment that has allowed firms to take advantage of major technological advances, particularly in computing and information processing. The Government is no exception.

Last month, David Walker, Comptroller General for the General Accounting Office (GAO), testified before the Senate Government Affairs Committee on ''Managing Human Capital in the 21st Century.'' He stated, and I quote:

''One of the principal strategies that agencies have used to deliver services with fewer staff has been an increased reliance on information technology. However, the agencies' ability to make the most of this strategy could be jeopardized by the competitive disadvantage they report facing in hiring and retraining skilled information technology staff.''

He went on to say that if the government does not improve its human resource systems, in this regard, it will earn GAO's high risk designation in 2001. The Federal Times, a federal employees newspaper, recently reported that federal agencies are facing skills gaps, particularly in the area of technology, and are facing the potential loss of 30 percent of their employees within five years.

Which the advent of the Information Age, the need for technologically skilled people is escalating. Meanwhile, the number of skilled American high technology workers has declined. This comes at a time when efforts are underway to create an e-Government. E-Government is the widespread application of information and communications technology to deliver government services—fostering digital government.

Filing your income taxes on-line is just the beginning. In e-Government, citizens can log onto one Internet site, easily find the government services they are looking for, and use that site to conduct online transactions; businesses can fill out one Internet form for all their local, state and federal environmental regulatory compliance requirements and government officials can make all purchases and payments electronically, saving millions of dollars. To support e-Government, you must have an e-workforce.

In response to an increasingly competitive job market, federal agencies will need tools and flexibilities to attract, hire, and retain technologically savvy talent. The work that federal

agencies do requires a workforce that is sophisticated in new technologies, flexible, and open to continuous learning. The present federal workforce is aging. The baby boomers, with their valuable skills and experience, are drawing nearer to retirement and will be replaced by new employees who have different employment options and different career expectations from the generation that preceded them.

These new employees place a great premium on opportunities to learn, a work life personal life balance, independence and creativity, and flexible work arrangements. The relative security offered by federal jobs is no longer an important factor for many Generation X'ers who expect to change jobs frequently to learn new skills, earn a higher salary, and make a variety of contributions.

Continuing education and training is critical in today's marketplace, where job skills are changing rapidly and global competition demands world-class and ever-improving productivity. The federal Government must equip its employees with the skills and knowledge required of a high performance workforce. The Federal Workforce Digital Access Act allows the Government to take steps to do just that.

The Federal Workforce Digital Access Act (FWDA) provides that permanent employees in the executive, legislative, and judicial branches of the federal Government, who complete one year of employment, will be eligible to receive a computer, and Internet service at home at no charge. The benefit provides that federal agencies make use of, primarily, Internet Based Training (IBT) and on-site training to enhance the technological skills of their employees. The benefit provided for under the FWDA is called the ''digital access benefit.'' The employee has the option of declining the digital access benefit package or choosing Internet service only.

In order to promote greater technological proficiency within the Government's workforce, the General Services Administration (GSA) and the Office of Personnel Management (OPM) will work together to establish and operate the digital access benefit program. GSA will be responsible for negotiating the digital access benefit contract. OPM will be responsible for general oversight of the program. To evaluate the program's operation, agencies will submit a report to the Office of Management and Budget on cost efficiencies, organizational performance, increased productivity, and training opportunities realized from the implementation of the Act. The report, which must be submitted to Congress in the fourth year of the program's operation, will help Congress assess whether the program should be reauthorized.

Agencies will be appropriated the funds to execute the Act and will deposit those funds in the Employees' Digital Access Fund. The Fund is available for all payments for goods and services under the Act, including GSA's and OPM's administrative costs.

FWDA is an imperative for those Federal employees across the country who work in mail rooms or who serve in the field as law enforcement officers, who have limited contact with a computer. It is also an imperative for those employees who daily underutilize computers by using them for simple word processing and e-mail functions. Providing federal employees with computers at home will expose employees to computer technology on a daily basis and IBT will broaden their knowledge and application of new technologies.

Internet or web-based delivery of educational content, supplemented by numerous online tools, is an inexpensive, flexible and convenient way to empower Federal employees to become technologically proficient. IBT provides a hands-on approach to technology education. It permits employees to access content from inside and outside brick and mortar training facilities, to learn at their own pace, view video and other visual explanation of technology, and allows them to test themselves online to assess comprehension and retention. IBT takes the fear and intimidation out of learning new and emerging technologies. The result is a technologically savvy and creative employee that can not only support e-Government, but can help to create and develop it.

The FWDA gives the Federal government and its future and current workforce, the tools it needs to better serve the citizenry and be a leader in a knowledge-based economy.

TRIBUTE TO THE LATE KEITH J. DAVIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I pay tribute to Keith J. Davis, a longtime friend, who passed away on January 23, 2000. He was 77. Mr. Davis was a Veteran as well as an upstanding member of the community.

Mr. Davis was born on August 31, 1923 in Salt Lake City, Utah. He graduated from the University of Utah with a degree in engineering. Mr. Davis joined the United States Army in 1942 and retired in 1978 with the rank of Colonel.

Throughout his life Mr. Davis held many positions in his community. He was a member of the Mariposa Veterans of Foreign Wars Post #6042. He was also a member of the Elks Lodge, a member of the Operating Engineers Union, and a past president of the Mariposa County Republicans Central Committee. He was a private pilot and an avid hunter, as well.

Mr. Davis is survived by his daughters, Kathleen Saz of Citrus Heights and Kristi Smith of Sacramento; son James Subisaretta of Texas; sisters Miriam Hurley of Davis and Dorothy Hendrickson of Oregon; eight grandchildren and one great-grandchild.

Mr. Speaker, I pay tribute to Keith J. Davis for his dedication to his community and his service to this country. His family members, and those who knew him, will remember Mr. Davis for his integrity, honesty, and hard work. I urge my colleagues to join me in extending my condolences to the Davis family.

TRIBUTE TO GROVER ROBINSON III AND SANDRA LOWREY ROBINSON

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SCARBOROUGH. Mr. Speaker, the citizens of Escambia and Santa Rosa Counties and the State of Florida have been blessed with two people who have dedicated their careers to the pursuit of excellence in all aspects of life. These fine people have distinguished themselves as community leaders and the models of honesty and integrity in public service. The couple that I speak about today is Grover Robinson III and Sandra Lowrey Robinson.

Most of the residents of Northwest Florida remember and admire Grover for his years of public service, during which he served as the District 3 Representative in the Florida House. However, what I admire most about Grover is that he always went above and beyond the call of duty to help others. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a true gentleman who always went the extra mile to represent the under-represented and to promote excellence within the community, the State of Florida, and the nation. During his distinguished career. Grover never forgot how important the little guy is to the American way of life. It is little wonder that Grover Robinson III is known as one of the most popular elected officials in Escambia County history.

When he ended his political career in 1986, he joined his wife, Sandra, in putting new life into community and church life, serving the people of Northwest Florida with compassion and loving care.

Grover was active in the Pensacola Jaycees, the March of Dimes, the Pensacola Chamber of Commerce, the United Way, and most especially Christ Episcopal Church.

His wife, Sandra Lowrey Robinson, was made from the same cloth as Grover. She was active in the Northwest Florida community and a member of the Pensacola Junior College Foundation Board, and Baptist Hospital Foundation Board, the Junior League of Pensacola, and Episcopal Church.

Mr. Speaker, the lives of these two people were cut tragically short earlier this year. But as we celebrate the accomplishments and the lives of Grover and Sandra, we can take pride in knowing they have influenced so many people in a positive way. As a fellow elected official and as a friend, I appreciate the importance of dedication and devotion to public office and the community. Their legacy will be a constant reminder that together, two people can make an extraordinary difference in the lives of many.

BACK TO HEALTH WEEK

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mrs. KELLY. Mr. Speaker, today is the first day of ''Back to Health Week,'' a national campaign created to increase awareness of back pain as well as possible causes and prevention. Sponsored by the North American Spine Society, this week is designed to educate Americans about their spine and how they can prevent common back pain.

The facts of back pain speak for themselves. Did you know that at some point in their lives, more than 80% of American adults experience back pain? Or, that 1 out of 14 adults will visit a physician this year due to back or neck pain and that back pain is the

second most common reason people visit a physician? These statistics demonstrate how important it is to raise awareness about this health problem that affects so many Americans.

One Famous American who suffers from back pain is two-time Cy Young Award winner and Major League Baseball pitcher Randy Johnson. After Johnson won the Cy Young in 1995, he was sidelined because of back problems for most of the 1996 season. Johnson captured his second Cy Young last year after surgery to correct a herniated disk and months of physical therapy.

Another highlight of ''Back to Health Week'' is an event to distribute information about back pain. ''Back to Health Day'' will be held Thursday April 13th in the Capitol. ''Back to Health Day'' will provide an array of educational materials, including guidelines to a healthy back, exercises to strengthen your back, and how to prevent back pain. In addition, representatives from the North American Spine Society will be on hand to discuss commonly asked questions about back pain, causes, and prevention. I encourage my colleagues to join us for ''Back to Health Day'' as we learn the most effective ways to prevent and alleviate back pain.

I commend the North American Spine Society for organizing ''Back to Health Week'' and for their commitment to ensuring Americans learn to keep their backs healthy.

''THE QUILTS OF TEARS''—HONORING VIETNAM VETERANS AND THEIR LOVED ONES WHO HAVE SUFFERED FROM AGENT ORANGE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. EVANS. Mr. Speaker, the loss and suffering of Vietnam veterans and their loved ones due to the use of Agent Orange is one of the sad legacies of the Vietnam War that continues to haunt our nation. Because of our nation's use of herbicides during the war, tens of thousands of Vietnam veterans have died or live daily with the scars of disease. As any veteran will tell you, the scars of war are not just physical, but also emotional. Too many veterans and their loved ones live each day with the continuing pain of dealing with the loss and the illnesses caused by Agent Orange.

Next week, the ''quilts of tears'' will arrive in Washington, DC. This is an important event because the quilts tell many of the stories that need to be told about the devastation this tragedy has exacted on too many lives.

Recently, I received a letter from Ms. Jennie R. LeFevre, an Agent Orange widow, who eloquently describes her own experiences as well as the legacy left of broken soldiers and broken families. I believe it captures the essence of the Agent Orange tragedy as well as the costs that our nation continues to pay for a war that ended almost twenty-five years ago.

The quilts will arrive on the Mall on April 17 and will be available for viewing near the Vietnam Memorial. They will also be on display on Memorial Day on the banks of the Reflecting Pool. I urge my colleagues to visit this moving and unforgettable memorial. The letter from Ms. LeFevre follows:

THE QUILTS OF TEARS

Agent Orange has been interwoven into the fabric of the lives of many Vietnam Veterans and their families. To tell their story, the ''Quilts of Tears'' project was created. It is to show the world the suffering and pain that the Agent Orange Victims and their families have endured. Each block in the ''Quilts of Tears'' reflect their struggles with life and death issues of Agent Orange. Agent Orange has left invisible scars on the hearts and minds of these victims and their families.

I have recently heard these words about Vietnam Veterans. The words are, ''All gave some, but some gave all''. Such is the case of the thousands of who have already lost their lives to the great tragedy Agent Orange, for they were killed in Vietnam and didn't know it. They were killed by the silent and invisible bullet, Agent Orange. Their names do not appear on the black granite Wall in Washington, DC, the ''Quilts of Tears'' are their Wall.

The ''Quilts of Tears'' was founded by Jennie R. LeFevre of Shady Side, MD, Founder and President of the Agent Orange Victims and Widows Support Network. The quilts are a Tribute, Memorial and Honor to the Vietnam Agent Orange Victims, both living and dead. Each block represents a victim, and they show the victim's unit in Nam, years served in Nam and the nature of the victim's health problems relating to Agent Orange. At present, there are ten quilts, each measuring 80 by 100 inches, each quilt contains 20 blocks. At displays, the quilts are hung on walls or spread on the ground with walking space between each one to allow viewing from any angle. ''The Quilt of Tears'' project is mentioned throughout the Internet on many of the Vietnam Veterans websites and e-mail forums and indeed the ''Quilts of Tears'' has a website of its own as well.

Mothers, sisters, and other family members have adorned the blocks with their loved one's picture, unit patches, military emblems, medals, awards, etc., etc. The quilts were displayed for the first time on the Mall in Washington, DC several years ago. They have since traveled to a quilt show in NJ, several Vietnam Veteran's Reunions in St. Louis, MO, and were also displayed at the Vietnam Veteran Reunion in Kokomo, Ind. They were on display a year ago Veterans Day in the Rotunda of the Utah State Capitol. The quilts are called the ''Quilts of Tears'' because many tears have been shed for these victims. ''The Quilts of Tears'' already have letters of acknowledgment and endorsement from both the Agent Orange Coordinating Council and Vietnam Veterans of America, Inc., headquarters in Washington, DC.

I am an Agent Orange widow myself, my late husband, a veteran of both the Korean and Vietnam War, died with cancer in ten parts of his body. Unfortunately, the VA states the cancer he had was not related to his exposure to Agent Orange so there I am not compensated. I believe Agent Orange did cause his death. I am a member of the Agent Orange Coordinating Council, chaired by the late Admiral Zumwalt and have been on the Council for seven years. I made a block for Admiral's son with the words inscribed ''A Great Warrior Son'' which Admiral Zumwalt requested to be put on his son's block. The block is now a part of the Quilts of Tears.

''The Quilts of Tears'' are the Wall for the Agent Orange Victims. Their stories need to be mentioned for all of the suffering and pain they have endured in love and honor for their country, the quilts do just that. One has only to look at the quilts to see for themselves what has happened to these victims. After the display in Kokomo, I received a letter from a veteran who stated the quilts were the most moving piece of art he had seen since the Wall in Washington, DC. A veteran with Agent Orange problems saw the display in Washington, he said he had no one to make a block for him, I told him that I would do it for him. Later he sent me his Purpose Heart to put on the block. One of his prized possessions, he insists that it be placed on his block.

These quilts are very dear to the hearts of the Vietnam Veterans, the Agent Orange Victims, and their families. Over Memorial Day weekend last year, a big burly veteran looked at the quilts beside the Reflecting pool, walked a short distance away, fell to his knees and burst into tears. When I went to him and hugged him, he asked ''Am I next?''. The next display of the quilts will be on Monday April 17, 10:00 a.m. at the ''In Memory'' ceremony near the Wall, weather permitting, and they will be on the banks of the Reflecting Pool over memorial Day weekend. I invite you and the general public to come and view them.

Recently, I was at an Agent Orange meeting and another Agent Orange widow took a pin off her blouse and put it on my sweater. The pin was a black heart edged in gold, a jagged streak was across the heart to represent a broken heart and in the center of the heart was an orange teardrop. Yes, our hearts are broken for the Agent Orange Victims.

The late Admiral Elmo Zumwalt Jr. was a real friend and advocate for the Agent Orange Victims and their families. May his memory and devotion to the Agent Orange issue live on in our hearts forever. Those of us who are a part of the Agent Orange struggle say ''We will never allow the Agent Orange Victims to be Forgotten''.

Most Sincerely,

JENNIE R. LEFEVRE,
Agent Orange Widow.

CONGRATULATIONS TO DR. IRWIN JACOBS

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate my friend and constituent, Dr. Irwin Jacobs. America is well aware that Dr. Jacobs is the founder and CEO of Qualcomm, home of the CDMA wireless telecommunications standard. In addition to his work with Qualcomm, however, Dr. Jacobs is very active in San Diego's technology community.

Dr. Jacobs was named scientist of the year by the San Diego Chapter of Achievement Reward for College Scientists. Ms. Toni Nickell, the president of the San Diego chapter, said that Dr. Jacobs was given this award ''because of his great contributions to technology''. Specifically, Dr. Jacobs, as the CEO of Qualcomm, has been conducting research that would expand the use of cellular phones and make them the personal computers of tomorrow.

Irwin Jacobs deserves our congratulations for a job well done. Thanks in no small part to him, San Diego County is the global headquarters for CDMA wireless telecommunications technology.

I commend my colleagues to read this attached article from the San Diego Union Tribune of April 6, 2000 describing this most recent honor for Dr. Jacobs.

[From the San Diego Union-Tribune, Apr. 6, 2000]

QUALCOMM CHIEF NAMED SCIENTIST OF THE YEAR BY WOMEN'S GROUP

(By David E. Graham)

Technology is emerging now that will blur the distinctions between a cellular phone and a desktop computer, Irwin Jacobs, the CEO of Qualcomm, said last night at an awards banquet in his honor.

The leader of the San Diego wireless telecommunications company was named scientist of the year by the San Diego chapter of Achievement Reward for College Scientists. The women's group raises money for scholarships for university students studying science.

While celebrating the need for talented students to fuel innovation, Jacobs said his company is interested in expanding the capabilities of digital cellular phones. ''That device is able to do many, many things for us,'' Jacobs said.

The company's code-division-multiple-access technology is a standard technology for transferring information to the phones. Soon, however, cellular phones will be able to tell users that location in a city or within a building, using a global-positioning technology. Other changes likely will include the ability to connect to the Internet and download and store great amounts of information—and even download and play back music.

Holding a cellular phone, he told the audience: ''I believe for many people it will be their computer.''

When someone needed a larger keyboard for writing and a screen for large display of information, the phone could be dropped into a device at a hotel or airport, for example, where work could be done.

The information could be used from within the phone set or against plugged into another larger display at another site, he said.

Many consider Jacobs a voice not to be ignored. Buoyed by the CDMA technology used in portable phones and by other business moves, Qualcomm has been a darling of Wall Street, its stock having soared last year.

Jacobs said he also is interested in the distribution of cinematic film to theaters digitally rather than on traditional film.

Jacobs was chosen for the Achievement Reward for College Scientists award ''because of his great contributions to technology,''said Toni Nickell, president of the group's San Diego chapter.

The chapter provided $425,000 in scholarships last fall to 49 graduate and undergraduate students at UCSD, SDSU and The Scripps Research Institute.

Since the chapter was organized in 1985, it has given more than $2.4 million in scholarships to 375 students.

THE PHARMACEUTICAL INDUSTRY CAN AFFORD A MEDICARE DRUG BENEFIT AND MORE RESEARCH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. STARK. Mr. Speaker, the pharmaceutical industry alleges that government intervention will lead to cost containment and price controls which will stifle research and development of new drugs. In fact, they are not spending enough on R&D.

According to today's Wall Street Journal survey on executive compensation, the average CEO of a pharmaceutical company received $14.9 million in salary, bonus, and stock options in 1999.

Rather than maximizing the R&D of new therapies and cures for diseases, they are spending it on pay for their executives. Today's Wall Street Journal article shows what the pharmaceutical industry's real priorities are.

The top five highest compensated CEOs of pharmaceutical companies surveyed were: (1) Charles A. Heimbold, Jr., $44 million, Bristol-Myers Squibb; (2) Richard Jay Kogan, $36.7 million, Schering-Plough; (3) Ralph S. Larsen, $34.9 million, Johnson & Johnson; (4) Sidney Taurel, $33.3 million, Eli Lilly; and (5) Fred Hassan, $15 million, Pharmacia & Upjohn.

The income of these 5 men is roughly half the cost of discovering a blockbuster drug that could cure millions of people.

Mr. Speaker, we shouldn't let this industry tell us they can't afford to participate in a Medicare drug benefit and continue research.

HONORING GILBERT SERVIN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I honor Gilbert Servin, the outgoing President of the Central California Hispanic Chamber of Commerce. The Central California Hispanic Chamber of Commerce (C.C.H.C.C.) is the largest Hispanic business organization in the Central Valley.

Servin, a founding Board member of the C.C.H.C.C., was the California Hispanic Chamber of Commerce President for one year. Along with his achievements as President of the Central California Hispanic Chamber of Commerce, Mr. Servin was also elected to serve for two years as treasurer for the State Hispanic Chamber.

Gilbert Servin graduated from California State Polytechnic University in Pomona in March 1976. For the next fifteen years he was employed by the Clinicas de Salud Del Pueblo, In., in Brawley, California, as a Business Manager and Assistant Executive Director. In 1980 Gilbert Servin accepted the opportunity of serving as Business Manager for United Health Centers of San Joaquin Valley, Inc., a considerably larger health center.

Gilbert Servin's experience and expertise, obtained while employed by the United Health Centers and the Clinicas de Salud, propelled him to become an independent consultant in healthcare financing and management in March of 1983. In addition, Gilbert Servin, CEO for CAGSI International (previously Gilbert Servin Associates), and his highly experienced staff provide professional services in the preparation of financial feasibility studies. Currently, Gilbert Servin has focused his efforts in expanding its services to assist local governments and community groups in financing projects. These projects will promote economic development, with an emphasis on rural areas.

Mr. Speaker, I want to honor Gilbert Servin as the outgoing President of the Central California Hispanic Chamber of Commerce. I urge my colleagues to join me in wishing Gilbert Servin many more years of continued success.

HELP FOR THE NATION'S PREMIER TEACHING HOSPITALS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RANGEL. Mr. Speaker, I am pleased to join today with Senator PATRICK MOYNIHAN,and a number of my House and Senate colleagues in introducing legislation to stop further Medicare cuts in the indirect medical education (IME) program.

IME payments are extra payments made to teaching hospitals for the fact that they are training the next generation of doctors, and that the cost of training a young doctor—like any apprenticeship or new person on the job—is more expensive than just dealing with experienced, older workers. The young person requires mentoring, orders more tests, and makes mistakes unless closely supervised. It is natural that a group of young residents in a hospital will reduce a hospital's efficiency and increase its costs. Medicare should help pay for these extra ''indirect'' costs, if we want—as we surely do—future generations of competent, highly skilled doctors.

The Balanced Budget Act took the position that the extra adjustment we pay a hospital per resident should be reduced from 7.7% in FY 1997 to 5.5% in FY 2001. This provision was estimated to save about $6 billion over 5 years and $16 billion over ten—in addition to about another $50 billion in hospital cuts in other portions of the BBA. In the Balanced Budget Refinement Act which was enacted last November, we recognized that these cuts were too much, and froze the fiscal year 2000 rate at 6.5%, reduced it to 6.25% in 2001 and then dropped it to 5.5% thereafter.

Mr. Speaker, last fall's delay and spread out of the cuts is helpful—but these cuts are still too much. The nation's teaching hospitals, which do so much to serve the uninsured and poor, and which are the cradle of new clinical research and technical innovation, are hemorrhaging red ink.

Our bill stops further scheduled cuts in the IME, freezing the adjustment factor at 6.5% rather than letting it fall to 5.5%, and saving teaching hospitals about billions of dollars that would otherwise be taken from them.

I hope this legislation will receive consideration this year, before the cuts resume, and these premier medical institutions are faced with cuts, layoffs, and reduced service that will literally cost us lives in the years to come.

HONORING THE CENTENNIAL OF THE U.S. SUBMARINE FORCE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GEJDENSON. Mr. Speaker, it is with tremendous pride that I rise today to congratulate the U.S. Navy Submarine Force on the occasion of its 100th anniversary of service to America.

We have a rich maritime heritage in southeastern Connecticut and a long legacy of outstanding craftsmen as well as patriots. When the Navy purchased the *Holland* from a relatively unknown shipyard on April 11, 1900, it

set in motion a legacy unequaled in our nation's history. Commanded by Lt. Harry H. Caldwell, the *Holland* traveled through yet uncharted depths, setting the standard for all who followed. For shipbuilders and sailors, having set the technological clock in motion, the Submarine Force has never looked back. The Submarine Force has met challenge after challenge head on—first identifying them, then dissecting them, and finally overcoming them.

In April 1775, the first Minute Men confronted the British regulars to begin the American Revolution. One hundred and 25 years later, the early patriots—Washington, Adams, Hancock, Revere, and Hale—were joined by the likes of Nimitz, O'Kane, Dealey, Cromwell, Fluckey, and Gilmore. While Nathan Hale's defiant proclamation ''I only regret that I have but one life to lose for my country!'' was immortalized as unselfish patriotism, so was that of Commander Howard Gilmore, who commanded, ''Take her down!'' Helping to turn the tide in the Pacific, United States submarines sank 5½ million tons of Japanese naval and merchant shipping—55 percent of Japanese shipping destroyed—at a loss of 52 submarines and more than 3,500 valiant men. Adm. Chester A. Nimitz, commander of the United States Navy in the Pacific during the Second World War, said: ''It is to the everlasting honor and glory of our submarine personnel that they never failed us in our days of great peril.''

During the cold war, the ''Forty-One for Freedom'' Polaris/Poseidon and succeeding Trident submarines ensured that our nation would never be the target of nuclear aggression. Daring intelligence missions provided a clear picture of the capabilities and the goals of the Soviets and other nations which threatened our national interests. As Secretary of Defense William S. Cohen said, ''the peaceful end to 45 years of confrontation is the modern legacy of the Submarine Force.'' Following in the footsteps of the Minute Men, our modern day submariners are ready at a moment's call and spend every moment in constant vigilance.

But even in peace time, our submariners were not free from the dangers of the sea. Along with the many sacrifices during wartime, there were other tragic losses, such as the S–4, the Thresher and Scorpion.

The insignia of the Submarine Force is a submarine flanked by two dolphins. Dolphins or porpoises are the traditional attendants to Poseidon, Greek God of the Sea and patron deity of sailors. They are symbolic of a calm sea and are called the ''sailor's friend.'' Every individual who sports this insignia may truly be recognized for their significant contributions to a tranquil sea of peace in which they valiantly fought and sacrificed so much.

Supporting the greatness of their achievements are the ships in which they sail. John Holland, a schoolteacher born in Ireland, designed the Navy's first submarine. Isaac Rice merged the Electro-Dynamic Company with the Holland Torpedo Boat Company in 1899, to form the Electric Boat Company of Groton, CT, Electric Boat has continued to be in the forefront of design and construction over the past century.

During World War I and the years immediately following, Electric Boat built 85 submarines for the U.S. Navy. It produced another 74 submarines during World War II. Working under the watchful eye of Adm. Hyman G. Rickover, who provided the major impetus behind the development of nuclear-powered submarines and surface ships, EB built the world's first nuclear-powered submarine—the U.S.S. *Nautilus* (SSN–571). EB followed less than a decade later with the Navy's first fleet ballistic-missile submarine—the U.S.S. *George Washington* (SSBN–598). Improving on that accomplishment it designed and developed the mammoth 560-foot Ohio-class ballistic-missile submarine capable of carrying a total of 24 Trident missiles. The company constructed the U.S.S. *Seawolf* (SSN–21) and the U.S.S. *Connecticut* (SSN–22)—the two fastest, quietest, most heavily armed submarines in the world. Today, Electric Boat is designing and building the first of the New Attack Submarines, now known as the Virginia-class after the first ship in the line. It will team with Newport News Shipbuilding to produce the remainder.

On behalf of the citizens of the Second Congressional District, our State of Connecticut and the Nation, I congratulate the exceptional performance of the Submarine Force and extend our deepest appreciation to our submariners and their families for a century of service to America.

THE FEDERAL WORKFORCE DIGITAL ACCESS ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. CUMMINGS. Mr. Speaker, today I have introduced the Federal Workforce Digital Access Act. A section-by-section analysis follows:

Section 1 provides that the title of this legislation is the ''Federal Workforce Digital Access Act.''

Section 2 amends title 5, United States Code, to include digital access, for the purpose of residential use, a computer and Internet service as a benefit option for employees in the executive, legislative, and judicial branches of Government.

Provides that a permanent employee who completes a probationary period, or who has been employed not less than 1 year, will be eligible to receive a computer and Internet service at home at no charge. The employee has the option of declining the digital access package or choosing Internet service only.

In order to promote greater technological proficiency within the Government's workforce, the General Services Administration (GSA) and the Office of Personnel Management (OPM) shall, in addition to duties and responsibilities assigned to each of them by the President, establish and operate the digital access benefit program.

The digital access benefit must allow the employee to perform office automation and e-learning functions. Internet-based and on-site training in the use of the computers and software applications, shall be included in the package. Upgrades to the digital access benefit will be made at the employee's request and expense.

Section 2 also provides that residential Internet service must link the employee to Government sites and resources, and support communication between Government agencies and the employee.

GSA may contract with any qualified person to carry out this section. The contracts shall include: the time and manner in which ownership of the digital access package shall be transferred to the employee; options for the technological refreshment of the benefit package; restrictions on commercial advertising to subsidize benefits; measures to prevent unauthorized tracking of computer use and to protect the user's privacy; measures to prevent unauthorized sale or release of names or other identifying information; options for the renewal or extension of benefits; provisions to make benefits accessible to persons with disabilities, such as appropriate modifications or accessories; measures to permit the donation of used equipment to schools or community-based organizations; and measures to terminate, when the employee leaves the government, access to Government databases, sites, and other functions not extended to non-employees.

OPM shall establish guidelines and specifications for the program. OPM shall also: provide technical assistance to GSA or any other agency, on Internet-based training for employees, communication of information to and from employees, procedures for election of benefits, and general oversight and coordination functions to ensure the efficient delivery of the program.

Under this section, OPM shall establish provisions for any employee abroad to whom it may be impracticable to provide this benefit; and in the case of an employee who has previously received or declines benefits, how that employee will be eligible for benefits based on subsequent employment.

The GSA and OPM shall consult with each other to execute their duties and responsibilities under this section. Each employing agency shall keep records and furnish information to GSA and OPM to carry out their duties and responsibilities.

Such sums as may be necessary will be appropriated annually to each agency, including OPM and GSA, both as employing and administering agencies, to carry out this Act. The costs associated with furnishing this benefit will be payable by the employee's employing agency to GSA as specified by applicable requirements.

The amounts paid by the agency shall be deposited in the Treasury of the United States to the credit of the Employees' Digital Access Fund. The fund is available for all payments to persons providing goods and services under this section, and to pay the respective administrative expenses of GSA and OPM within the annual limitations specified by Congress.

Section 3 amends chapter 79 of title 5 to state that the Office of Management and Budget (OMB) shall submit to the President and Congress a report on the operation of the program based on the first 3 years of its operation. The report shall address the following aspects of this program: any cost savings, efficiencies, improved individual or collective organizational performance; increased productivity; greater work flexibilities; enhancement of Government recruitment and retention efforts; reduced printing and mailing costs, improved communications with respect to individuals in rural or remote locations; new Internet-based training opportunities; best practices of particular agencies; the extent that family members utilize the computer; and the extent to which it helps to bridge the digital divide. Each agency shall submit to OMB such information as the Office requires to prepare for the report.

Section 4 provides that any contract under this Act shall be subject to such amounts provided for in advance in appropriations Acts.

Section 5 provides that the benefits provided under this Act will be furnished to those employees who made elections during the 48 month period beginning 1 year after the legislation is in enacted.

H.R. 1070, THE BREAST AND CERVICAL CANCER TREATMENT ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mrs. KELLY. Mr. Speaker, I am in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act. This legislation will give States the ability to provide a reliable method of treatment for uninsured and underinsured women battling breast or cervical cancer.

The program currently provides screening for cancer, but it provides no treatment options for these women. So if they are diagnosed with cancer, they have no option to be cured, which is a harsh reality. Giving States the option of providing Medicaid coverage for women will help save thousands of lives.

I urge the Speaker to bring this critically important legislation to the House floor for a vote by Mother's Day, May 14. The bill has 289 bipartisan cosponsors, well over the required number to pass a bill on the Suspension Calendar. In addition, the funding for this bill was also included in the House passed budget resolution.

Mr. Speaker, let's bring H.R. 1070 to the House floor before Mother's Day, in time to give our mothers, our sisters, our daughters the most important gift of all, the gift of life.

HONORING LT. DENNIS HOLMES, MILPITAS POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Lt. Dennis Holmes upon his retirement from the Milpitas Police Department after nearly 33 years of exemplary service to law enforcement.

Lt. Holmes joined the police force in Milpitas in 1967. He was promoted to sergeant in March 1974 and rose to the rank of lieutenant in September 1980.

During his early years as a police officer, Lt. Holmes was the first officer to be selected to serve as a field-training officer. As a supervisor, he helped develop structured localized field-training programs that he managed for nearly 15 years. He sat on the advisory board of the regional police academy and was a strong advocate for specialty and professional training for all departmental employees.

Lt. Holmes served in almost all of the available sections of the Milpitas Police Department. He started in Patrol, and then transferred into Traffic Enforcement and Investigation. He was later selected to head up the Traffic Section. As a sergeant he supervised in Patrol, was transferred into Generalist Investigations, and was then selected to supervise a proactive enforcement.

As supervisor of the proactive team, drug related arrests more than doubled and the residential burglary rate plummeted. He also introduced an objective employee performance appraisal system that was later adopted citywide. This system has been in place with few modifications for over 20 years.

As investigative lieutenant, he implemented and formalized case management procedures, which brought accountability to the investigation function. In addition, he implemented an automated case tracking system and instituted a subjective case-screening model.

Lt. Holmes served as president of the Milpitas Police Officer's Association for 4 years. He was lead negotiator for two employee relations contracts, and served on two additional negotiation teams. He was instrumental in obtaining the first fully confidential police psychological counseling benefit for Milpitas police employees.

I have highlighted some of Lt. Holmes' many accomplishments and I ask my colleagues to join me in paying tribute to this outstanding public servant. He has been an innovator and a change agent in law enforcement. His unselfish dedication to the Milpitas community is appreciated and will be long remembered.

THE FIFTEENTH ANNIVERSARY OF THE SOUTHERN ILLINOIS HEALTHCARE FOUNDATION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. COSTELLO. Mr. Speaker, today I ask my colleagues to join me in honoring the 15th anniversary of the Southern Illinois Healthcare Foundation.

In the early 1980's, a group of community residents became concerned about the lack of healthcare services in southern Illinois. At that time, there were very few physicians in the area. Residents of the region suffered from a lack of adequate healthcare services. Infant mortality rates and rates of other health related concerns were on the rise. Most physicians in the region expressed their reluctance to participate in federal programs to assist the poor. Several communities in the area were also federally designated as under served and a health care professional shortage was also recognized.

In 1983, this concerned group of citizens formed an not-for-profit organization to promote health care concerns. The original charter members of the corporation included Harvey Jones Jr., Francis Touchette, Bob Bergman, Callie Mobley, Don Sminchak, Virginia ''Betty'' Knuckles, Kathleen Touchette, Dr. Mays Maxwell and Rev. Father Jerry Wirth. I was also proud to also be part of that original committee. The Southern Illinois Healthcare Foundation opened it's first center in one side of the public health department building at 6000 Bond Avenue in Centreville, Illinois on January 7, 1985.

With assistance of an initial Federal grant, the center began it's operations in the Centreville facility, providing health care services to the surrounding communities in the area. The foundation's services expanded in the 90's with facilities opening in East St. Louis, Washington Park and Brooklyn, Illinois. In 1913, the foundation partnered with Touchette Regional Hospital in Centreville and with the East Side Health District to expand it's reach further into the area. I was happy to assist the center procure various grants to improve services to reduce infant mortality rates in the area and in 1997 the foundation opened a facility in Alton, Illinois. School based clinics also operate in East St. Louis and Cahokia, Illinois.

In recognition for it's work to reduce the amount of low-birth weight babies, the Southern Illinois Healthcare Foundation and Touchette Regional Hospital was one of the first winners of the ''Models that Work'' program, as sponsored by the National Committee For Quality Healthcare. Other awards and recognition for the system include the American Hospital Association and the Baxter Allegiance Foundation. The Baxter Award recognized the system's work with the various foundation communities. The foundation was also a finalist in the Premier Cares Award sponsored by Premier Healthcare.

Just last year, the foundation further expanded it's services by opening a second site in Madison County in Bethalto, Illinois. Private grants have also been awarded to the Southern Illinois Foundation from the W.K. Kellogg Foundation to allow them to address Medicaid Managed Care issues and provide funds for planning and study for healthcare issues.

Locally, the foundation has also been presented the Dr. Martin Luther King Jr. Award from the Kimmel Leadership Center. Dr. Bob Klutts is the chief executive officer and has been the executive with the foundation since 1988.

Operations in all of the Foundation Health center sites are now well established. The foundation system has grown from an initial 8,678 patient visits in 1988 to currently over 85,000 patient visits. In addition to the clinic sites they operate in several communities, they also operate three Quick Care sites with one site devoted to the needs of mother and child care and also a site directed to the needs of adults. It is one of the strongest Healthcare networks operating in Illinois today.

Mr. Speaker, I ask my colleagues to join me in honoring the anniversary and service of the Southern Illinois Healthcare Foundation.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RYUN of Kansas. Mr. Speaker, last evening I was unavoidably detained and was not present for rollcall votes 111–114.

Had I been present I would have voted ''yes'' on rollcall vote 111, ''yes'' on rollcall vote 112, ''yes'' on rollcall vote 113 and ''no'' on rollcall vote 114.

RECOGNIZING THE NORTH FORK CHAMBER OF COMMERCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. RADANOVICH. Mr. Speaker, today I recognize the North Fork Chamber of Commerce for its outstanding contributions to the community.

During the last year, the North Fork Chamber of Commerce has accomplished a great deal. They have increased their membership to 64 members. The Chamber began quarterly town hall meetings with Supervisor Gary Gilbert and Sheriff John Anderson, holding three

meetings in 1999. The Chamber has also joined SUPERCHEX (Superior California Chamber Exec's) to network with neighboring Chambers of Commerce. In collaboration with neighboring Chambers, the North Fork Chamber began advance planning, one year in advance, of chamber projects.

The North Fork Chamber started a weekly ''North Fork Chamber Chat'' column in the Sierra Star, a local newspaper. The Chamber also resumed monthly newsletters and monthly mixers for its members.

The North Fork Chamber secured $52,500 in grants and matching funds to add new sidewalks, mini-parks, and tourist signs on Northfork's Main Street.

The Chamber began a part-time paid staff, courtesy of the USFS SCSEP program, which also provided mileage and classes on Microsoft programs and project management. Along with their many achievements, the Chamber also acquired a new office, courtesy of CDC, at the Mill Site Office Building, furnished and staffed by Jim Flanagan.

Mr. Speaker, I recognize the North Fork Chamber of Commerce for its service to the community. I urge colleagues to join me in wishing the North Fork Chamber of Commerce many more years of continued success.

A TRIBUTE TO THE WATCHFUL SHEPHERD AND JOSEPH FEMIANI

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. MASCARA. Mr. Speaker, today, during National Child Abuse Prevention Month I praise the organizations which work tirelessly to end our children's suffering. I am proud to say that one such organization and its originator in my district are part of the crusade to make all children safe from harm. I am speaking of The Watchful Shepherd and Joseph Femiani.

Every day, 78 babies die, 2162 babies are born into poverty and 3,453 babies are born to unwed parents. Added to the likelihood that one in two children will live in a single parent family at some point in childhood, one in eight is born to a teenage mother and one in 60 sees their parents divorce in any year, it is no wonder that our children live in peril.

While Congress works to reverse these trends, The Watchful Shepherd protects children already suffering at the hands of relatives and family friends. Piloted in Southwestern Pennsylvanian hospitals in 1993 and 1996, The Watchful Shepherd program unites the resources of Children and Youth Services agencies, police departments health care professionals and community residents in a unique effort to improve the protection of children at risk for abuse.

Since its successful adoption by Washington County Children and Youth Services, other communities such as Tom's River, New Jersey; Dover, Delaware; and Chesapeake, Virginia have employed the program with great success for families currently enrolled in Watchful Shepherd. Surprisingly, most families voluntarily agree to the program, which consists of a panic button worn on the child and a telephone unit which are monitored by hospital, police or trained volunteer personnel. Many law enforcement agencies take Watchful Shepherd calls so seriously that they have classified the alarms as a level one priority. To date, there have been no false alarms and the system is constantly improving to serve children and their families together.

All great ideas have a creator. The chief champion of The Watchful Shepherd program is Joseph Femiani, whose idea has become a noble crusade. Borne out of personal experience, The Watchful Shepherd has no greater promoter. Mr. Femiani, a successful Washington County business owner, husband and father, could have savored the good life he had created for himself after a painful childhood, but he chose to make life safer for children everywhere.

Joe Femiani's tireless promotion of child abuse prevention and The Watchful Shepherd program has led to a feature in Time, an interview with National Public Radio and a segment on NBC's Dateline in addition to numerous grassroots campaigns to get the message out about his lifesaving program. All of this effort is not in vain. Mr. Femiani continues to receive national and international interest in The Watchful Shepherd program and works endlessly to organize financial support for those communities seeking to adopt the program.

Many marvel at Joe's stamina and commitment to his cause, as was the case in an interview with the Pittsburgh Catholic. ''Whenever Joseph Femiani questions whether his efforts makes a difference, he reaches for a card he carries in his wallet which bears the names of children who have been murdered.'' That—it seems—has made all the difference.

IN HONOR OF THE WESTINGHOUSE HIGH SCHOOL BASKETBALL TEAM

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate and commend the Westinghouse High School, and in particular the men's senior basketball team. Westinghouse High School located in the 7th Congressional District of Illinois, in the heart of the Westside, has a long tradition of academic and athletic excellence. The school has graduated several professional basketball players, including Mark Aguire and former College Player of the Year and NBA All-Star Hersey Hawkins.

The dream of winning a state championship inspired the Westinghouse Warriors to diligently practice and perform throughout a grueling 33 game season. This year, with a season record of 31–2, the team clinched the city of Chicago championship. Their success led them to Peoria, Illinois to compete for the Class AA state title, their ultimate goal. Their hard work and determination had rewarded them with their first major achievement, the city title. However, upon the completion of the very competitive state championship game the Westinghouse Warriors came short of the victory.

In spite of their loss, I commend this hardworking and dedicated team. This team has epitomized hard work and persistence. In addition to their feats on the basketball court, team members have maintained their dedication to academics, they are truly student-athletes, students first, then athletes—and champions in both.

My fellow colleagues, please join me in honoring the Westinghouse High School men's basketball team for their outstanding performance and dedication. The team, along with its head coach Mr. Chris Head, have worked hard to achieve their accomplishments. They should be honored by all of America.

NEW CROP INSURANCE OFFERS FARMERS MORE PROTECTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the April 3, 2000, Norfolk Daily News. The editorial expresses support for a new form of crop insurance which allows farmers to protect themselves against both natural disasters and low prices. This Member is pleased that legislation passed last year by the House makes many improvements in the current program, including providing additional assistance for producers to purchase insurance that provides protection from price or income loss, as well as production loss. This Member encourages expeditious action on resolving the differences between the risk management bills passed by the House and Senate.

[From the Norfolk Daily News, Apr. 3, 2000]

CROP INSURANCE AN IMPROVEMENT

WITH NEW INSURANCE TYPE, FARMERS CAN FINALLY CONTROL PART OF THEIR OPERATIONS

With the weather and market price swings completely out of their control, an increasing number of farmers are embracing one of the few things that can give them at least some control over their income.

It comes in the form of crop insurance but not the type that most people think of. For years, crop insurance was a way to insure against crop disasters caused by weather debacles.

The problem was that it often was expensive, didn't provide complete coverage and many farmers shunned it, choosing instead to hope that Mother Nature would cooperate and, if that wasn't the case, that the federal government would come through with emergency assistance.

That kind of crop insurance still is available, but a newer type—one that insures against price dips and weather-related problems—is fast becoming the preferred option.

That's partly because the federal government has chosen to provide $400 million in additional subsidies, meaning the premiums for crop insurance have been reduced by about 25 percent. A lower price for better coverage is the kind of deal anyone needs to take a close look at.

The other factor is the kind of insurance available. While more expensive than the traditional type that insures against weather-related problems, the new revenue coverage offers farmers more peace of mind in that it guarantees an income level regardless of what happens with the weather.

It also provides more marketing flexibility for participating farmers and even could provide some supplemental income during a bumper crop year—assuming market prices are low as a result.

If that sounds too good to be true, there's more. Although government subsidies have

increased for crop insurance, it is predicted that if enough farmers take advantage of the insurance options available to them, there will be significantly less chance of the government having to provide emergency bailouts because of droughts or other conditions. Those usually are more expensive to taxpayers than the subsidies.

Farming always has been one of the highest risk occupations in terms of financial results.

If this new type of crop insurance can help reduce that risk, while also reducing emergency expenditures by the federal government, then virtually everyone should benefit.

THE NATIONAL MEDIA TREATS THE SOUTH DIFFERENTLY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SPENCE. Mr. Speaker, I would like to bring to the attention of the House the following article from the Lexington County Chronicle, Lexington, South Carolina.

[From the Lexington County Chronicle, Mar. 9, 2000]

WHERE HAVE YOU GONE, DAN RATHER?

(By Jerry Bellune)

Before you call me a racist, you should know that I cut my reporting teeth covering the civil rights movement of the early 1960s. It was a beat few white reporters wanted. And at one time, I was the only reporter in Charlotte, N.C., the demonstrators trusted.

When we went north in 1964, we found racism rampant there, too. One Yankee landlord refused to rent to us because, to her northern ears, our southern accents sounded African-American.

Jump ahead from the 1960s to the Year 2000. Southern schools have been desegregated. Discrimination is illegal. African-Americans have established more than a foothold in business and the middle class. In the arts and sports, they have become a dominant force.

Yet the national media seems ignorant of—or worse, indifferent to—the Deep South's dramatic social changes. They can't seem to balance changes in attitude with the other big Southern story—the Sun Belt's economic explosion.

This came home to me last week in two tragic stories. In Pennsylvania, a black man went on a rampage, killing three white people and wounding two others. In Michigan, the 6-year-old son of a jail bird took a gun to school and ''got even'' by shooting a white classmate to death.

Both stories were one-day sensations on TV and the local daily's front page. After that, both stories slipped deep into the inside pages.

That made me wonder how the two stories would have been handled had the races of the killers and their victims been reversed.

What might Dan Rather have had to say about a white man going on a rampage, singling out black victims. Or a white boy shooting a black classmate to death? Would the Revs. Al Sharpton and Jesse Jackson have descended on Michigan and Pennsylvania to lead street marches against the perpetrators of these ''racist'' murders?

If they are for civil rights for everybody, where are they now? And where are the TV cameras?

If either of these crimes had occurred in the South, would they have been reported as examples of the climate of violence and racism in this backward section of our great nation?

HONORING DR. THOMAS M. MCFADDEN

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. KUYKENDALL. Mr. Speaker, today I honor Dr. Thomas McFadden, this year's recipient of the Community Association of the Peninsula's (CAP) Agnes R. Moss Volunteer Award.

The Agnes R. Moss Award is presented annually by the CAP Board of Trustees to the person who has been most instrumental in assisting the association to fulfill its goals. Dr. McFadden is being honored for his expertise, talent, and leadership in enhancing CAP programs.

The mission of CAP is to bring cohesiveness to all residents of the Peninsula and to respond to unmet community needs. CAP programs include the Norris Theatre for the Performing Arts, the Spirit of the Peninsula Telethon, Study Skills Workshops, the Multicultural Committee, and the Peninsula Cultural Organization.

Dr. McFadden's contributions to CAP and its programs are extensive. He has been a member of the CAP Board of Trustees since 1993 and previously served as its president for two one-year terms. In addition to his service to CAP, Dr. McFadden has been an active member of the community serving on several Peninsula advisory boards including the Palos Verdes Chamber of Commerce and the Skirball Institute.

I congratulate Dr. McFadden on receiving this award. He is a valuable member of this Peninsula community. His contributions are much appreciated.

HONORING MEMBERS OF ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES WHO SERVED NATION DURING VIETNAM ERA AND FAMILIES OF THOSE INDIVIDUALS WHO LOST THEIR LIVES OR REMAIN UNACCOUNTED FOR OR WERE INJURED DURING THAT ERA

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 2000

Mr. REYES. Mr. Speaker, I rise in strong support of H. Con. Res. 228.

This bill recognizes and honors the sacrifice of our Vietnam-era veterans, their families, and those who are still unaccounted for and remain missing.

It is important for our nation to never forget the service of these military personnel.

Over 3.5 million U.S. military personnel served in the Republic of Vietnam and Southeast Asia, and millions more served around the world during the Vietnam era.

As a Vietnam Veteran, I am proud of the service of these men and women.

I saw first hand their incredible commitment and unwavering dedication to our national defense and American ideals.

After a quarter of a century since the end of the Vietnam War, it is important for all Americans to reflect on the incredible sacrifices made by these veterans who stood up to communism in Southeast Asia and around the world.

Our Vietnam-era veterans are heroes for their incredible courage and bravery both here in the United States and while deployed overseas.

They fought for freedom during a time when public support for their efforts was divided.

They returned to a nation that unfortunately did not welcome them back with the gratitude they deserved.

This was after they had withstood some of the most vicious and difficult combat conditions imaginable.

The effects of these circumstances on the lives of our Vietnam-era veterans and their families can never be fully measured.

Therefore, let us never forget the honorable service of our Vietnam-era veterans, and the heavy price paid by their friends and families.

Their sacrifice paved the way for the freedom and security we enjoy today, and no American should take for granted their willingness to serve in support of our national security and to turn back the tide of totalitarianism.

This resolution serves as a strong reminder of our gratitude to our Vietnam-era Veterans and to our soldiers currently deployed around the world.

It sends a message that we will never forget the memory of those who paid the ultimate price for the cause of freedom, and maintains our commitment to those who remain unaccounted for and are still missing.

Let this bill strengthen our resolve on behalf of our Vietnam-era veterans and their families, and serve as an expression of our appreciation and gratitude.

As someone who serves on the House Armed Services and Veterans' Affairs Committees, I salute our Vietnam-era Veterans and am proud to co-sponsor this legislation.

HONORING THE TOWNSHIP OF LOWER MERION IN MONTGOMERY COUNTY, PENNSYLVANIA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. HOEFFEL. Today I congratulate the township of Lower Merion in Montgomery County, Pennsylvania on its 100th anniversary. On March 5, 1900 Lower Merion formed what has become a model township government in Montgomery County.

Lower Merion's roots extend to 1682 when Welsh Quakers were granted a tract of land by William Penn just outside Philadelphia. In 1713, Lower Merion established an independent Township with about 52 landholders and tenants. The 1850s brought rapid change to Lower Merion with the advent of the railroad and marked the birth of the area known today as the ''Main Line.'' Philadelphians soon began settling in the township and commuting to Philadelphia. In 1900, the Township was incorporated as a Township of the First Class.

The citizens of the township of Lower Merion have many achievements of which to be proud. They have a deep sense of civic pride and involvement. In fact, the Township maintains a ''Community Resources Leadership Bank'' of citizens interested in participating in Township Boards or Commissions. This innovation and vision distinguishes Lower Merion and it remains one of the most progressive townships in the Commonwealth of Pennsylvania.

Township officials in Lower Merion are deeply committed to the environment. Through open space conservation and environmental protection, the Lower Merion Township continually works to improve the quality of life for its residents. Lower Merion officials have demonstrated a strong commitment to their schools and community, and the township has one of the highest ranking school systems in Pennsylvania.

I am proud to represent such an extraordinary municipality. This anniversary should serve as a tribute to hard work and dedication for all who have made the Lower Merion Township the place it is.

HONORING THE 150TH ANNIVERSARY OF THE CITY OF SANTA BARBARA

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mrs. CAPPS. Mr. Speaker, today I commemorate the 150th Anniversary of the City of Santa Barbara. This past Sunday, I was honored to join the citizens of Santa Barbara in celebrating the rich history and legacy of our community.

Santa Barbara is a vibrantly diverse city that draws its heritage from the Chumash, Spanish, Mexican, American and European peoples. Although the incorporation of the city was in 1850, there are other milestones that preceded this date. The community was named in 1602 by Sebastian Vizcaino, a Spanish employer, who came to the area on Saint Barbara's day. In 1782, the King of Spain directed that a presidio be constructed in Santa Barbara and in 1786, the Mission was founded. Both the Presidio and the Mission hold much cultural significance to the citizens of Santa Barbara today and serve as an important reminder of our shared history. In 1850, a charter was adopted by a vote of the citizens and established Santa Barbara as one of the five California charter cities. As a charter city, the citizens of Santa Barbara enjoy ''home rule'' and as a result, the city is a model of how a community can preserve and sustain a high quality of life for its people.

Today, Santa Barbara boasts strong public and private schools, the nationally recognized University of California, Santa Barbara, Westmont College and Santa Barbara City College, as well as thriving small businesses, high-tech and tourism industries. But above all, as Santa Barbarans, we pride ourselves on the beauty of our environment and the quaint charm of our community. The importance of clean water, clean air and open spaces has long been recognized as a key to our community's success and we remain committed to protecting the unparalleled beauty that Santa Barbara possesses today.

Mr. Speaker, I am very honored to represent Santa Barbara in Congress and I ask that my colleagues join me in celebrating the many achievements of the citizens of Santa Barbara and the contributions that the city has made to America. We wish the community of Santa Barbara 150 more years of success and prosperity.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Ms. LEE. Mr. Speaker, due to what may have been a technical difficulty, I was not recorded on rollcall vote 114. Had I been recorded, I would have voted ''yes.''

HONORING THE SOUTHERLAND HEAD START PROGRAM ON THEIR 35TH ANNIVERSARY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. LAMPSON. Mr. Speaker, today I congratulate the Southerland Head Start program on their 35th Anniversary. For thirty-five years this school has been serving children in need and making sure that they have the resources necessary for a successful educational future.

In Beaumont there were originally two Head Start Centers, one at Dunbar and the other at South Park. Mavis Bryant was the director at Dunbar from 1965–1984, and Claire Collier was the director at South Park from 1966–1984. In 1984, the districts merged and the center became known as Southerland Head Start, where Claire Collier served as director until her retirement in 1994. Two principals/directors have followed Claire Collier, Charles Vanderburg served from 1994–1999, and Gloria Harrison is currently serving.

Southerland serves the community well, and there are currently 460 students enrolled in the program. Southerland's motto is ''Touching Children . . . Reaching Families,'' and they truly live up to that motto. They reach out to children, improving their self esteem, health, and physical development. Children at Southerland learn and grow in an environment that promotes positive experiences and an understanding of the world around them.

I believe that we must provide an opportunity for every child in America to fulfill her or his potential through participation in an enriching and challenging learning environment starting at birth, and programs such as Southerland Head Start help us achieve that goal. I would like to thank Dr. Carrol Thomas, Superintendent of Schools, Dr. Mae E. Jones-Clark, Deputy Superintendent for Curriculum and Instruction, and Gloria Harrison, Head Start Director/Principal, and all of the other people who are serving the school with unparalleled dedication.

Mr. Speaker, Southerland has served the children of Beaumont for thirty-five years, and I congratulate them as they celebrate this milestone of achievement.

LET'S CRAFT A FAIR DEAL FOR OUR VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. FILNER. Mr. Speaker, today I testified before the VA, HUD Appropriations Subcommittee. In that testimony which follows, I emphasized our duty to provide adequate funds for the vital programs that serve our Nation's veterans.

I am pleased that the administration's budget for the year 2001 recognizes that the men and women who have served in uniform deserve an adequate budget for the Department of Veterans Affairs [VA], and I believe that the efforts of many members of the House VA Committee and the efforts of our veterans' service organizations, specifically in formulating the Independent Budget, have been instrumental in producing a much better budget proposal than last year. I want to acknowledge these efforts.

The $1.4 billion increase in the health care budget will assure our aging and disabled veterans who need medical care—especially long-term care, emergency care and specialized services—that their needs are a high priority. However, I join my colleagues and the authors of this year's Independent Budget in objecting to the proposal that $350 million of new resources for medical care authorized by the recently passed Veterans Millennium Act be deposited to the Treasury. Funds collected from veterans for the provision of veterans' health care should be used to enhance the health care for veterans—not as a substitute for appropriated dollars.

I also want to emphasize my continuing concern that the VA is not adequately meeting the benefit and health care needs of veterans who served in the Gulf war and who now suffer from various diagnosed and undiagnosed disabilities. It has been almost 10 years since the men and women of our armed services were sent to the gulf! The veterans of the Gulf war are sick with illnesses whose causes and cures remain a mystery. We must not relax our efforts to fund necessary and appropriate research. I join the authors of the Independent Budget in supporting an increase in funding for VA medical research, and specifically request that the medical research budget be increased by $65 million as recommended in the Independent Budget and that at least $30 million of that increase be directed to research involving the health of Gulf war veterans.

As our veterans population ages, the need for long-term care increases. One means of providing access to such care is through the funding of State Veterans Homes. A new home will be opening in April in my congressional district, and already there is a waiting list. I want other areas to have the same opportunity as the veterans in the San Diego region will have with the opening of this new home. Therefore, I am opposed to the proposed decrease in funding for State Homes and urge this committee to provide adequate funding for this critical program.

I am also pleased that this administration has recognized what Members of Congress have known for years. Additional personnel are needed if the VA is to promptly and accurately adjudicate claims for compensation and

pension benefits. This budget will help to provide a well-trained corps of adjudicators to replace those who are nearing retirement age. I want to emphasize that the continued loss of experienced adjudicators over the past 7 years together with an increased workload in the number of issues which must be decided in each claim have led to serious problems of quality and timeliness. The increased staffing in this budget is essential to stem the tide of deterioration in claims processing.

As a former college professor, I recognize the value of a quality education for our Nation's veterans. I am disappointed that no increase for the G.I. bill is provided in the administration's budget. The G.I. bill currently provides far less than is needed to obtain an education at a public institution, and I support raising the basic education benefit. I have joined with The Partnership for Veterans' Education, a coalition representing a number of associations advocating on behalf of veterans, in calling, as a first step, for an increase in the basic monthly stipend from $535 to $975 a month.

Veterans comprise about one-third of our Nation's homeless population, but only 3 percent of HUD funding for the homeless is directed to specific programs for homeless veterans. I strongly urge this committee to heed the testimony of Ms. Heather French, Miss America 2000, and allocate $750,000 from the HUD fiscal year 2001 appropriation to the National Coalition for Homeless Veterans to provide technical assistance to homeless providers. This assistance is critically needed to help veteran specific homeless programs receive a fair share of Federal funding for our Nation's homeless veterans.

I also urge the committee to fund the Department of Labor's Homeless Veterans Reintegration Program [HVRP] at its authorized level of $15,000,000 for fiscal year 2001. These programs are effective in placing homeless veterans in taxpaying jobs. They work and should be funded.

The administration's budget proposal recommends paying full disability benefits to Filipino World War II veterans who reside in the United States. Currently, these brave veterans who were drafted into service by President Roosevelt receive only half the amount received by their counterparts—U.S. veterans with whom they fought side by side to defeat our mutual enemy. I support this increase as an important step toward equity for Filipino World War II veterans.

However, more is needed. Because Congress, in 1946, rescinded the health care benefits for most of these veterans, Congressman GILMAN and I have introduced legislation, H.R. 1594, to provide access to VA medical facilties—both in the United States and in the Philippines—for Filipino World War II veterans. Health care is a crucial need for these men who are now in their 70s and 80s! $30 million is all that is required to provide health care access to Filipino veterans, with the same priority status as veterans currently using the VA. I request that this amount be added to the fiscal year 2001 budget.

As we honor our veterans during their lives, so must we honor their remembrance in death. The administration's increase in funding for the National Cemetery System will improve the appearance of our cemeteries by a long-overdue and much needed renovation of grounds, gravesites, and grave-markers. I urge this committee to fund the National Cemetery Administration and the State Cemetery Grants at the levels recommended by the House Veterans Affairs' Committee.

Again, may I say that the proposal before you represents a fine starting point. I hope that my suggestions will be useful as the members of this committee work toward a budget that gives our Nation's veterans a fair deal.

TRIBUTE TO GRAND MASTER JHOON GOO RHEE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SMITH of Michigan. Mr. Speaker, it is my honor today to recognize a great American on the occasion of his recent selection by the National Immigrant Forum, in conjunction with the Immigration and Naturalization Service, as one of 200 most famous American immigrants of all time: Grand Master Jhoon Goo Rhee.

Master Rhee, who shares the honor with such American icons as Albert Einstein, Hyman Rickover and Knute Rockne, is the sole immigrant of Korean ancestry to make the list. Well known as one of the world's foremost authorities on the martial arts and recognized as the father of Tae Kwon Do in the United States, Grand Master Rhee has established himself as more than just a famous instructor. But his road to success and achieving the American dream wasn't easy, nor would he have wanted it that way.

When Jhoon Rhee came to the United States in 1956, he spoke little English and had less money—$46 to be exact. Still, he enrolled at Southwest Texas State Teachers College in San Marcos determined to create a better life for himself. Although at first it took him a half-hour to read one page of text, he became increasingly proficient in English through discipline and perseverance, traits that for decades he has so eloquently translated from the martial arts for people from all walks of life.

Those traits also are the core of his action philosophy, a philosophy grounded in the principles of the martial arts, but applicable to everyone. It calls for people to build confidence through knowledge in the mind, honesty in the heart and strength in the body, and then to lead by example.

Leading by example is exactly what Master Rhee does. Despite his 68 years, each day as part of his daily stretching and meditation regimen, he does 1,000 push-ups and 1,000 sit-ups. Not even the fittest 20 year-old can match those feats. But the discipline, determination and perseverance involved are life lessons that far transcend martial arts and athleticism. He has enabled people everywhere to realize their potential and apply themselves successfully to whatever it is they set themselves to do. It's the philosophy Master Rhee embraced so long ago and which has stood the test of time—the same philosophy which took him from someone who barely could speak the language of his new country, to one of the world's most sought-after motivational speakers.

There is no dream too large for Grand Master Rhee, but I'm sure even he has difficulty comprehending how many millions of people around the world owe their positive, constructive ways of living to his wholesome influences.

Many of our colleagues, Mr. Speaker, know first hand Master Rhee's call to realize the aspects of life larger than self. We know this because he founded the U.S. Congressional Tae Kwon Do Club and has taught more than 250 current or former Members of Congress not only the art of Tae Kwon Do, but also the art of living a healthier and happier life. We know the affection he engenders to all who make his acquaintance, whether through athletics, business or when hearing his motivational presentation.

Master Rhee's success is wide ranging. Aside from his accomplishments in Tae Kwon Do and in training world-class athletes, he has starred in feature films, authored a number of books, served as a goodwill ambassador and started a hugely successful business venture. He also is held in the highest regard as an innovator and teacher.

But perhaps where he excels most is in an area that is missing so dearly in today's world—the role of husband, father and citizen. Jhoon Rhee deports himself with the utmost respect and dignity for those with whom he deals and with society in general. For more than 50 years, he has embraced the role model aspect of a life that comes with international renown, a role taken for granted by so many and perfected by so few. He gladly accepts the responsibility of presenting himself and his way of life as an emblem to be worn proudly.

This is not just my assessment. His contributions to buttress America's culture with pride and decorum are echoed by many distinguished citizens in and out of government. Among his biggest fans are boxing legend Muhammad Ali, Parade magazine Publisher Walter Anderson and motivational speaker Tony Robbins. Jack Valenti of the motion Picture Association of America has said, ''Master Rhee defies the assumed rush of years. He is an ageless patriot, whose brand of unbreakable loyalty is seldom seen. . . .''

Our esteemed colleague IKE SKELTON says, ''Master Rhee is an American treasure.'' Our esteemed former colleague Bob Livingston says it quite simply: ''Master Rhee is one of the greatest Americans I know.''

At an age when even the most industrious of people tend to enjoy the leisure of their later years, Master Rhee at age 68 continues with remarkable energy to exert his positive influence on people of all ages throughout the country and the globe. He has recently launched a new global project, the JhoonRhee.com Web site, where he continues to promote the martial arts, fitness, the healing arts and a way of life whereby, in his words, ''Everybody is happy with every breath of life.''

On March 17, 1992, President George Bush named Master Rhee one of his Daily Points of Light. President Bush said, ''The true measure of any individual is found in the way he or she treats others—and the person who regards others with love, respect and charity holds a priceless treasure in his heart . . . any definition of a successful life must include others. Your efforts provide a shining example of this standard.''

Master Rhee's devotion to the principles of America's Founding Fathers is unsurpassed. He instills in his countrymen the Founders' vision and demonstrates the power of that vision to people throughout the world to show

them the path to freedom, peace and prosperity. He understands that everyone on this planet has the right to be happy. But to achieve that happiness, individuals must accept the foundation of perfect human character that entails exercising true freedom approved by one's conscience, and never to practice false freedom licensed by selfishness.

Master Rhee is a proud American who cherishes the words freedom, free enterprise, democracy and heritage. He lives the American Dream. Indeed, he exemplifies it. He inspires all, and with a special enthusiasm toward the young, to live lives of honor and integrity. The eloquence and conviction of his message to live noble lives of grand purpose penetrates the most hardened hearts and cynical souls.

His accomplishments are legion. A 10th Degree Black Belt, he introduced the martial arts to Russia in the early 1990s, where now there are 65 studios that bear his mane. He is the author of five books on Tae Kwon Do, a member of the Black Belt Hall of Frame and the recipient of the National Association of Professional Martial Artists' Lifetime Achievement Award.

He was named by Black Belt Magazine as one of the top two living martial artists of the 20th Century and also as ''Martial Arts Man of the Century'' by the Washington, D.C., Touchdown Club. He has been featured on the cover of Parade, collaborated on several projects with Bruce Lee and had the lead role in the films. When Tae Kwon Do Strikes and The Silent Master. Additionally, he created and choreographed the martial arts ballet—the basis for today's popular ''musical forms'' competition—and invented and implemented the safety equipment used in major open tournaments, including the 2000 Olympic Games in Sydney.

I would like to summarize some of Master Rhee's accomplishments, a truly impressive list of famous firsts. He was the—

First master to teach Tae Kwon Do in America: Master Rhee introduced Tae Kwon Do to America in 1956.

First master to work out to music: Master Rhee created the Martial Arts Ballet and gave birth to the Exercise to Music craze.

First master to invent safety equipment: Master Rhee invented martial arts safety equipment after one of his students was injured in a competition. The introduction of safety equipment enabled martial arts studios to get insurance. Because of that, parents began to send their kids to martial arts instructors, and the martial arts industry was born.

First master to promote martial arts in the U.S. through television advertising.

First master to use the color belt system: At one time, martial arts awarded only white, brown or black belts. Master Rhee introduced the color belt award system now used worldwide.

First master who also is a concert musician: Master Rhee was the featured musician with the Washington Symphony Orchestra. He played classical music on the harmonica.

First master to require black belt scholastic excellence: For more than 30 years, Master Rhee has required his students to maintain a ''B'' average or better to qualify for a black belt.

First master to train Members of Congress in martial arts: Master Rhee founded the U.S. Congressional Tae Kwon Do Club, where he has taught Members of Congress without interruption since 1965.

First American to open martial arts studios in the Soviet Union: Master Rhee first traveled to Moscow in 1991 to teach Tae Kwon Do and now has 65 Jhoon Rhee Do studios throughout the Commonwealth of Independent States. Learning English is a requirement for a black belt.

First to teach martial arts in America's public schools: Master Rhee launched his Joy of Discipline program of martial arts and character education in America's public schools in the early 1980s.

First Tae Kwon Do master to star in his own movies: Master Rhee starred with Angela Mao in When Tae Kwon Do Strikes. As Grand Master Lee, he is the underground leader of a group of patriots in Japanese occupied Korea.

First martial artist to train a world heavyweight boxing champion: Master Rhee taught the legendary Bruce Lee his kicking techniques, and Bruce Lee taught him how to punch. Master Rhee then taught Muhammad Ali what Ali later called his powerful ''Accupunch.'' Ali used it in 1976 to knock out Bruce Denn in Munich and also in the Joe Frazier heavyweight title bout.

First martial artist to be named Man of the Century: And now, Master Rhee is the first and only native Korean to be named as one of America's top 200 immigrants of all time. Mr. Speaker, the National Immigrant Forum made a wise choice. He is a man of character and the prototype role model for the new century. I can think of few others so worthy of such a designation.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. JENKINS. Mr. Speaker, on Monday, April 10, 2000 if I had been present, I would have voted ''nay'' on the Spratt Motion to Instruct Conferees on H. Con. Res. 290 instead of ''yea'' as indicated in my explanation.

A MEMORIAL TRIBUTE TO MARTHA MANUEL CHACON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the recent passing of Martha Manuel Chacon, and elder and tribal leader of the San Manuel Band of Mission Indians, who helped the tribe maintain its pride and traditions and simultaneously setting it on a course of future self-reliance. Mrs. Chacon passed away on March 28 at the age of 89.

Martha Manuel Chacon was born in a two-room adobe house without floors and was raised on the San Manuel Reservation in Highland, California. She was the granddaughter of Santos Manuel, the Serrano Indian leader who was responsible for holding the tribe together during difficult times in 1866, and for whom the reservation was named.

After attending Highland Elementary School and St. Boniface Catholic School on the Morongo Indian Reservation, Martha Manuel worked in any job she could find as a young adult, commuting weekly to Los Angeles when she couldn't find them locally.

She became a tribal leader and regularly traveled to the state capital in Sacramento as a spokesman for the San Manuel Band. Tribal members give her credit for bringing electricity to the reservation in the last 1950s and running water to tribal homes in the 1960s. Her strong devotion to her Serrano ancestry, culture and heritage helped the San Manuel Band improve its quality of life and set out on the path to self-reliance.

Martha Manuel Chacon is survived by her husband of nearly 60 years, Raoul Chacon, six children, 18 grandchildren, 31 great-grandchildren and four great great grandchildren.

Mr. Speaker, words do not begin to convey the love and admiration with which Martha Manuel Chacon was held by her family, friends, and supporters. Her life journey stands as a remarkable testament to leadership, courage, strength and honesty and her memory will continue to inspire countless people. It is only appropriate that the House pay tribute to this courageous woman today.

THE NEW HOUSE OF WORSHIP FOR THE JEWISH FELLOWSHIP OF HEMLOCK FARMS

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SHERWOOD. Mr. Speaker, I would like to inform my colleagues of the dedication of a new house of worship for The Jewish Fellowship of Hemlock Farms which will be celebrated with an open house on Sunday, May 28, 2000, from 1 p.m. to 4 p.m.

Hemlock Farms is a private four-season recreational community in the heart of the Pocono Mountains of Pennsylvania. Its 4,500 acres include state forests, lakes, deer, bears, tennis courts, indoor and outdoor swimming pools, a club house with a fitness center and auditorium, a private country club with an 18-hole golf course, 72 miles of paved roads and more than 2,700 homes. About a third of the population are year-round residents. The others who spend their summers or weekends in Hemlock Farms come from the metropolitan areas of New York, New Jersey, Connecticut, and other areas of Pennsylvania. They include a growing number of Jewish residents.

In 1971, a small group of Jewish residents met to form The Jewish Fellowship of Hemlock Farms. Representing the heart of the Jewish community in the Poconos, the Fellowship completed the religious presence of the three major faiths in Hemlock Farms. The Fellowship flourished, and it has taken an active role as a member of the Interfaith Council. For the first 7 years, services were held in members' homes and community buildings.

Rapidly increasing membership made possible the construction of its first permanent home in 1980—designed to seat 120. By 1992, the membership had grown to more than 400. The happy result is a new Jewish house of worship and community center designed to seat more than 500. It is under the full-time leadership of Rabbi David Spritzer. It is significant that an increasing number of

Jewish families residing in other areas of the Poconos outside of Hemlock Farms are joining the Fellowship.

The Fellowship conducts religious services on Friday nights, Saturday mornings, and on the traditional religious holidays throughout the year. There are also many celebrations of Jewish life-cycle events such as weddings and Bar and Bat Mitzvahs. The Hebrew School and other activities of the Fellowship enrich Jewish cultural life. Through lectures, discussion groups, media presentations, socials, and auxiliary volunteer groups of men and women serve the needs of the Fellowship and the extended community. In doing so, the Fellowship enhances the identity of the Jewish people in the midst of diverse populations.

The Pocono Mountains region and Pike County in particular constitute the fastest growing sectors of Pennsylvania today. This includes, of course, the increasing number of Jewish residents. This change could not have happened during the first half of the twentieth century because of the existence of social, economic, and educational discrimination. According to historical reports in The Jews of Wilkes-Barre (Levin, Marjorie: Ed.), early nineteenth century Jewish establishment in the area took the form of mercantile service to both the coal industry and commerce along the local waterways. Jews were kept out of utility and banking industries until the 1950's and 1960's.

In 1955, because of the efforts of Pennsylvania Attorney General Herbert Cohen, Pocono Mountain hotels and resorts were compelled to comply with state law with the admissions of guests or have their liquor licenses revoked. Educational institutions, at the same time, publicly stated they would no longer condone discrimination regarding admissions. Since then, people of all ethnic origins have been increasingly welcome in the area.

At the dedication ceremony on May 28, 2000, the two Torah Scrolls, presently in the old building, will be passed to the new building from member to member lining the path connecting them. One Torah Scroll that was presented to the Jewish Fellowship several years ago had been written for and dedicated to an Eastern European community that no longer exists. It wandered with the generation of the Holocaust and survived like the Jewish people.

At the presentation ceremony, the president of the Fellowship declared:

> Today we will give a new home to this homeless survivor of the Holocaust. This Torah was to have been part of the collection of Hitler's Museum of an Extinct Race, a dream that happily did not come to fruition. Rather, it should be a reminder of the indestructibility of the Jewish people.

Marjorie Leven and Paul Zbiek in The Jews of Wilkes-Barre state:

> It is certainly true that many of today's Jewish professionals and business leaders do not need the economic and psychological security of a tightly-knit Jewish society to the same degree as their forebears. It is also true that maintenance of a unified Jewish community is more difficult in today's increasingly mobile and secularized society. Local Jewish institutions, through their programming, try to reinforce Jewish identity and help ensure Jewish continuity.
>
> On an individual and family level, the future for area Jews appears to be positive. On a communal level, Jewish institutions must meet the difficult challenge of assuring their relevancy to Jews while maintaining tradition and competing with general community activities for Jewish attention.

Members of Jewish Fellowship believe that the new building will facilitate the ability to do just that.

Mr. Speaker, I ask my colleagues to join with me in congratulating the Jewish Fellowship of Hemlock Farms, Pennsylvania, and wishing them every happiness in their new home.

INTRODUCTION OF H.R. 4228—CONGRESSIONAL OVERSIGHT OF NUCLEAR TRANSFERS TO THE NORTH KOREA ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GILMAN. Mr. Speaker, today I introduced H.R. 4228, the Congressional Oversight of Nuclear Transfers to North Korea Act of 2000. I am pleased to be joined in offering this bipartisan legislation by the distinguished ranking Democratic member of the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Committee on Commerce, Mr. MARKEY, and by the distinguished chairman of the Subcommittee on Asia and the Pacific of our Committee on International Relations, Mr. BEREUTER, and by the distinguished chairman of the House Republican Policy Committee, Mr. COX.

This bill is designed to ensure that any transfers of United States nuclear equipment or technology to North Korea pursuant to the Agreed Framework of 1994 are carefully reviewed and fully supported by the United States Congress before they take place.

For all practical purposes, this bill already has passed the House of Representatives. On July 21st of last year, Congressman MARKEY and I offered an amendment to the Foreign Relations Authorization Act requiring the President to certify to Congress that North Korea has fulfilled all of its obligations under the Agreed Framework before a nuclear cooperation agreement between the United States and North Korea can enter into effect. Without such a nuclear cooperation agreement, key nuclear components cannot be transferred to North Korea from the United States as contemplated in the Agreed Framework. Our amendment further required that Congress enact a joint resolution concurring in the President's certification before such a nuclear cooperation agreement can enter into effect. That amendment was approved with strong bipartisan support. The final vote was 305 in favor to 120 against.

We later negotiated with the administration over our amendment in the conference committee on the Foreign Relations Authorization Act. We reached agreement with the administration over the language of the certification, but the administration refused to agree that Congress should have a role in evaluating North Korea's compliance with the Agreed Framework by means of a requirement that Congress enact a joint resolution concurring in the President's certification. Our certification requirement was enacted into law late last year as the North Korea Threat Reduction Act of 2000.

The bill we are introducing today amends the North Korea Threat Reduction Act to require that Congress concur in any certification submitted by the President pursuant to that act before a nuclear cooperation agreement between the United States and North Korea can enter into effect. To ensure that the Congress will carefully review such a certification, our bill includes expedited procedures for consideration in both the House and Senate of a joint resolution concurring in the President's certification.

TRIBUTE TO SARA MARTINEZ TUCKER

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. BONILLA. Mr. Speaker, today I recognize Sara Martinez Tucker for her outstanding leadership. Sara is the president and CEO of the Hispanic Scholarship Fund [HSF], the nation's leading Hispanic scholarship granting organization. In 1999, Sara secured a $50 million grant from the Lily Foundation, which was the largest direct donation for Hispanic higher education ever. Under Sara's leadership, HSF has instituted community college transfer and high school senior scholarship programs.

Sara is a native of Laredo, Texas. She graduated from my alma mater, the University of Texas in Austin, with a bachelor's degree in journalism. She returned to get her master's of business administration graduating with high honors. She is currently a member of UT's Chancellor's Council, the College of Natural Sciences Foundation Advisory Council, and the College of Communication Foundation Advisory Council.

Sara is also the chair of the Golden Gate University Board of Trustees. At a national level, she sits on the board for the steering committee of the Council for Aid to Education and the Coca-Cola Scholars Foundation's National Selection Committee. For the third consecutive year, Mrs. Tucker was honored as one of Hispanic Business Magazine's 100 Most Influential Hispanics. In 1998, she received HISPANIC Magazine's Heritage Achievement Award for Education.

Before HSF, Mrs. Tucker was a key executive with AT&T. In 1990, she became the first Hispanic female to reach AT&T's executive level. Sara served as the national vice president for AT&T's Global Business Communications Systems in her last assignment with AT&T.

I would like to congratulate Sara on these significant achievements, and I would also like to thank her for the great contribution she has made to increase educational opportunity.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2483–S2552

Measures Introduced: Twenty bills and two resolutions were introduced, as follows: S. 2383–2402, S. Res. 285, and S. Con. Res. 103. **Pages S2526–27**

Measures Reported: Reports were made as follows:

S. 2045, to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens, with an amendment in the nature of a substitute. (S. Rept. No. 106–260) **Page S2526**

Gas Tax Repeal: Senate resumed consideration of S. 2285, instituting a Federal fuels tax holiday. **Pages S2497–S2506**

During consideration of this measure today, Senate also took the following action:

By 43 yeas to 56 nays (Vote No. 80), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the bill. **Page S2506**

Marriage Tax Penalty Relief Act: Senate agreed to the motion to proceed to consideration of H.R. 6, to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and then began consideration of the bill, taking action on the following amendment proposed thereto: **Pages S2506–20**

Pending:

Lott (for Roth) Amendment No. 3090, in the nature of a substitute. **Pages S2513–14**

A motion was entered to close further debate on Amendment No. 3090 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, April 13, 2000. **Page S2514**

A motion was entered to close further debate on H.R. 6 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, April 13, 2000. **Page S2514**

Nominations Received: Senate received the following nominations:

Michael G. Kozak, of Virginia, to be Ambassador to the Republic of Belarus.

Anne Woods Patterson, of Virginia, to be Ambassador to the Republic of Colombia.

Berle M. Schiller, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania vice Robert S. Gawthrop, deceased.

Richard Barclay Surrick, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania vice Lowell A. Reed, Jr., retired.

4 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, Navy. **Pages S2551–52**

Messages From the House: **Pages S2524–25**

Measures Referred: **Page S2525**

Communications: **Pages S2525–26**

Statements on Introduced Bills: **Pages S2527–45**

Additional Cosponsors: **Pages S2545–46**

Amendments Submitted: **Pages S2547–50**

Authority for Committees: **Pages S2550–51**

Additional Statements: **Pages S2521–24**

Privileges of the Floor: **Page S2551**

Record Votes: One record vote was taken today. (Total—80) **Page S2506**

Adjournment: Senate convened at 10 a.m., and adjourned at 6:05 p.m., until 9:30 a.m., on Wednesday, April 12, 2000. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2517.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the nomination of

Christopher A. McLean, of Nebraska, to be Administrator, Rural Utilities Service, Department of Agriculture, after the nominee, who was introduced by Senators Hagel and Kerrey, testified and answered questions in his own behalf.

MTBE AND RENEWABLE FUELS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine issues relating to alleged pollution of drinking water supplies by Methyl Tertiary Butyl Ether (MTBE), the future of renewable fuels, and the Reformulated Gasoline Program, after receiving testimony from Keith Collins, Chief Economist, Department of Agriculture; Robert Perciasepe, Assistant Administrator for Air and Radiation, Environmental Protection Agency; Mark J. Mazur, Director, Office of Policy, Department of Energy; R. James Woolsey, Shea and Gardner, Washington, D.C., on behalf of the Advisory Committee of the Clean Fuels Foundation; Iowa Governor Thomas Vilsack, Des Moines, on behalf of the Governors' Ethanol Coalition; Trevor T. Guthmiller, American Coalition for Ethanol, Sioux Falls, South Dakota; Nathan Kimpel, New Energy Corporation, South Bend, Indiana; Rus Miller, Arkenol, Inc., Mission Viejo, California; Jason S. Grumet, Northeast States for Coordinated Air Use Management, Boston, Massachusetts; and David Morris, Institute for Local Self-Reliance, Minneapolis, Minnesota.

APPROPRIATIONS—DOE

Committee on Appropriations: Subcommittee on Energy and Water Development concluded hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy, after receiving testimony in behalf of funds for their respective activities from Carolyn L. Huntoon, Assistant Secretary for Environmental Management, Dan W. Reicher, Assistant Secretary for Energy Efficiency and Renewable Energy, James Decker, Acting Director, Office of Science, William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology, and Ivan Itkin, Director, Office of Civilian Radioactive Waste Management, all of the Department of Energy.

APPROPRIATIONS—FOREIGN HEALTH ASSISTANCE

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on proposed budget estimates for fiscal year 2001 for foreign health assistance, focusing on the President's Millennium Initiative to help combat infectious diseases, after receiving testimony from Lawrence H. Summers, Secretary of the Treasury; Adel Mahmoud, Merck and Co., Whitehouse Station, New Jersey; Gro Brundtland, General World Health Organization, Geneva, Switzerland; William Foege, Bill and Melinda Gates Foundation, Seattle, Washington; and Nils Daulaire, Global Health Council, Norwich, Vermont.

APPROPRIATIONS—DOE

Committee on Appropriations: Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy, after receiving testimony from Bill Richardson, Secretary of Energy.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness, Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army, and Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy, after the nominees testified and answered questions in their own behalf. Mr. Dahlberg was introduced by Representative Murtha.

WTO CHINA ACCESSION

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine China's accession into the World Trade Organization, focusing on granting Permanent Normal Trade Relations, after receiving testimony from William M. Daley, Secretary of Commerce; Lt. Gen. Brent Scowcroft, USAF (Ret.), Scowcroft Group, former National Security Advisor, H. Richard Kahler, Caterpillar China, Inc., on behalf of the Business Roundtable, Jack Valenti, Motion Picture Association of America, Lori Wallach, Public Citizen's Global Trade Watch, and Harry Wu, Laogai Research Foundation, all of Washington, D.C.

ELECTRIC POWER

Committee on Energy and Natural Resources: Committee held hearings on S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability, S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system, 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. 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. 1047, to provide for a more competitive electric power industry, S. 516, to benefit consumers by promoting competition in the electric power industry, and 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, receiving testimony from Bill Richardson, Secretary of Energy; Arthur W. Adelberg, Central Maine Power Group, Inc., on behalf of the Alliance for Competitive Electricity, and Stephen Ward, Maine Office of Public Advocate, on behalf of the National Association of State Utility Consumer Advocates, both of Augusta; Bob Rowe, Montana Public Service Commission, Helena, on behalf of the National Association of Regulatory Utility Commissioners; David N. Cook, North American Electric Reliability Council, Princeton, New Jersey; and William Mayben, Nebraska Public Power District, Columbus, on behalf of the Large Public Power Council.

Hearings continue on Thursday, April 13.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Carey Cavanaugh, of Florida, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh and New Independent States Regional Conflicts, Christopher Robert Hill, of Rhode Island, to be Ambassador to the Republic of Poland, and Thomas G. Weston, of Michigan, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus, after the nominees testified and answered questions in their own behalf.

U.S. CHINA POLICY

Committee on Foreign Relations: Committee held hearings on United States policy towards the People's Republic of China, focusing on granting Permanent Normal Trade Status and human rights conditions, receiving testimony from Wei Jingsheng, Columbia University Center for the Study of Human Rights, New York, New York, on behalf of the Wei Jingsheng Foundation, Inc.; and Arthur Waldron, American Enterprise Institute, Greg Mastel, New America Foundation, and Robert A. Kapp, U.S.-China Business Council, all of Washington, D.C.

Hearings recessed subject to call.

EARLY CHILDHOOD PROGRAMS

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded hearings to examine early childhood programs for low-income families, focusing on federal and state funding and collaborative efforts and the effectiveness of federal preschool and child care programs, after receiving testimony from Marnie S. Shaul, Associate Director, Education, Workforce, and Income Security Issues, Health, Education, and Human Services Division, General Accounting Office; Elaine Zimmerman, Connecticut General Assembly Commission on Children, Hartford; and Douglas J. Besharov, American Enterprise Institute, Washington, D.C.

FUNERAL AND BURIAL CONSUMER PROTECTION

Special Committee on Aging: Committee concluded hearings to examine issues facing consumers when preplanning, arranging and conducting funeral and burial activities, focusing on educating consumers about funeral-related industries, exposing bad practices, exploring the extent of consumer satisfaction, and law enforcement activities, after receiving testimony from Eileen Harrington, Associate Director for Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission; G. V. Ayers, California Department of Consumer Affairs Cemetery and Funeral Bureau, Sacramento; Jay U. Jacobson, Pella, Iowa, on behalf of the National Funeral Directors Association; and Paul M. Elvig, International Cemetery and Funeral Association, Reston, Virginia.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 4227–4244; and 2 resolutions, H. Con. Res. 301–302, were introduced. **Pages H2121–22**

Reports Filed: Reports were filed today as follows:

H.R. 4067, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes, amended (H. Rept. 106–568);

H.R. 3417, to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska, amended (H. Rept. 106–569);

H.R. 4021, to authorize a study to determine the best scientific method for the long-term protection of California's giant sequoia groves (H. Rept. 106–570);

H. Res. 468, providing for consideration of H.R. 2328, to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program (H. Rept. 106–571);

H. Res. 469, providing for consideration of motions to suspend the rules (H. Rept. 106–572);

H. Res. 470, providing for consideration of H.R. 3039, to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay (H. Rept. 106–573); and

H. Res. 471, providing for consideration of H.J. Res. 94, proposing an amendment to the Constitution of the United States with respect to tax limitations (H. Rept. 106–574). **Page H2121**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Granger to act as Speaker pro tempore for today. **Page H2015**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. David Harmon of Harriman, Tennessee. **Page H2018**

Recess: The House recessed at 9:51 a.m. and reconvened at 11 a.m. **Pages H2017–18**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Statistics on Abandoned Babies: H. Res. 465, expressing the sense of the House of Representatives that local, State, and Federal governments should collect and disseminate statistics on the number of newborn babies abandoned in public places; **Pages H2021–26**

Project Exile—Safe Streets and Neighborhoods: H.R. 4051, to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses (passed by a yea and nay vote of 358 yeas to 60 nays, Roll No. 115); **Pages H2026–36**

Visa Waiver Permanent Program Act: H.R. 3767, amended, to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act; **Pages H2036–40**

Civil Asset Forfeiture Reform Act: Agreed to the Senate amendment to H.R. 1658, to provide a more just and uniform procedure for Federal civil forfeitures—clearing the measure for the President; **Pages H2040–54**

Establishing the FTAA Permanent Secretariat in Miami, Florida: S. Con. Res. 71, expressing the sense of Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005; **Pages H2054–57**

Taxpayer Bill of Rights 2000: H.R. 4163, amended, to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers (passed by a yea and nay vote of 424 yeas with none voting "nay", Roll No. 116); and **Pages H2057–69, H2079**

Business Checking Modernization Act: H.R. 4067, to repeal the prohibition on the payment of interest on demand deposits, **Pages H2076–79**

Suspension—Vote Postponed: The House completed debate on the motion to suspend the rules and pass H.R. 2884, to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003. **Pages H2090–93**

Suspension Failed—Clinton/Gore Administration Tax and User Fee Increases: H. Res. 467, expressing the sense of the House of Representatives that the tax and user fee increases proposed by the Clinton/Gore administration in their fiscal year 2001 budget should be adopted (failed to agree to by a yea and nay vote of 1 yea to 420 nays with 2 voting "present", Roll No. 117). **Pages H2069–76, H2079–80**

Motion to Instruct Conferees: Agreed to the Rangel motion to instruct conferees on H.R. 1501, to provide grants to ensure increased accountability for juvenile offenders, to insist that the conference committee meet and report a substitute that includes enforcement of gun safety laws and safety measures that prevent felons, fugitives, and stalkers from obtaining firearms and children from getting access to guns by a yea and nay vote of 406 yeas to 22 nays, Roll No. 118. **Pages H2080–89**

Democracy in Peru: The House passed S.J. Res. 43, expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru. **Pages H2089–90**

National Skill Standards Board: The Chair announced the Speaker's appointment, upon the recommendation of the Majority Leader, of Mr. William L. Lepley of Hershey, Pennsylvania to the National Skill Standards Board for a four-year term. **Pages H2093–94**

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H2035–36, H2079, H2080, and H2088–89. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 11:34 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on U.N. Peacekeeping. Testimony was heard from the following officials of the Department of State: Richard Holbrooke, U.S. Ambassador to the U.N.; and David Welch, Assistant Secretary, International Organizations.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on AID Administrator. Testimony was heard from J. Brady Anderson, Administrator, AID, Department of State.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Native American issues. Testimony was heard from public witnesses.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education continued appropriations hearings. Testimony was heard from Members of Congress.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on the U.S. Mint. Testimony was heard from John P. Mitchell, Acting Director, U.S. Mint, Department of the Treasury; and public witnesses.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued appropriations hearings. Testimony was heard from Members of Congress.

FINANCIAL CONTRACT HIRING, HEDGE FUND DISCLOSURE, AND OVER-THE-COUNTER DERIVATIVES RECOMMENDATIONS

Committee on Banking and Financial Services: Held a hearing on the recommendations of the President's Working Group on Financial Markets concerning Financial Contract Netting, Hedge Fund Disclosure, and Over-the-Counter Derivatives. Testimony was heard from Representative Baker; Lewis A. Sachs, Assistant Secretary, Financial Markets, Department of the Treasury; Patrick M. Parkinson, Associate Director, Division of Research and Statistics, Board of Governors, Federal Reserve System; Annette L. Nazareth, Director, Division of Market Regulation, SEC; C. Robert Paul, General Counsel, Commodity Futures Trading Commission; and public witnesses.

OVERSIGHT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on the status of deployment of broadband technologies. Testimony was heard from public witnesses.

EDUCATION OPTIONS

Committee on Education and the Workforce: Continued markup of H.R. 4141, Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act.

Will continue tomorrow.

KOSOVO—RECENT DEVELOPMENTS

Committee on International Relations: Held a hearing on Recent Developments in Kosovo and Related Issues. Testimony was heard from the following officials of the Department of State: Ambassador James Pardew, Deputy Special Advisor to the President and Secretary for Kosovo and Dayton Implementation; and James Swigert, Deputy Special Advisor, Deputy Assistant Secretary, both with the Bureau of European Affairs; and public witnesses.

OVERSIGHT—BANKRUPTCY CODE LIMIT ON REGULATORY POWERS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the limit on regulatory powers under the Bankruptcy Code. Testimony was heard from Ethan Posner, Deputy Associate Attorney General, Department of Justice; Christopher J. Wright, General Counsel, FCC; and public witnesses.

OVERSIGHT—INTEGRATION OF ECO-REGION ASSESSMENTS IN FOREST SERVICE PLANS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Integration of Eco-region Assessments in Forest Service Plans. Testimony was heard from Barry Hill, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, GAO; and Chris Risbrudt, Director, Eco-

System Management Coordination, Forest Service, USDA.

TAXATION LIMITATION CONSTITUTIONAL AMENDMENT

Committee on Rules: The Committee granted, by voice vote, a modified closed rule providing 2 hours of debate on H.J. Res. 94, proposing an amendment to the Constitution of the United States with respect to tax limitations. The rule provides for one amendment printed in the Congressional Record if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. Finally, the rule provides for one motion to recommit, with or without instructions. Testimony was heard from Representatives Sessions and Conyers.

MOTIONS TO SUSPEND RULES

Committee on Rules: The Committee granted, by voice vote, a rule providing that suspensions will be in order at any time on or before the legislative day of Friday, April 14, 2000. The rule provides that the object of any motion to suspend the rules will be announced from the floor at least one hour prior to its consideration. Finally, the rule provides that the Speaker or his designee shall consult with the Minority Leader or his designee on the object of any suspension considered under this resolution.

CLEAN LAKES PROGRAMS REAUTHORIZATION

Committee on Rules: The Committee granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2328, to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute, now printed in the bill, as an original bill for the purpose of amendment. The rule waives clause 7 of rule XVI (prohibiting nongermane amendments) against the committee amendment in the nature of a substitute. The rule provides that the amendment in the nature of a substitute shall be open for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Shuster and Representatives Sweeney and Borski.

CHESAPEAKE BAY RESTORATION ACT

Committee on Rules: The Committee granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3039, Chesapeake Bay Restoration Act of 1999. The rule provides that the bill shall be open for amendment at any point. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Shuster and Representative Borski.

NASA'S BUDGET REQUEST—AERO-SPACE TECHNOLOGY ENTERPRISE

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on NASA's Fiscal Year 2001 Budget Request: Aero-Space Technology Enterprise. Testimony was heard from Sam Venneri, Associate Administrator, Aero-Space Technology Enterprise, NASA; and public witnesses.

OVERSIGHT—E-COMMERCE AND SMALL BUSINESSES

Committee on Small Business: Subcommittee on Government Programs and Oversight held an oversight hearing to examine the federal government's use of e-commerce to facilitate procurement in comparison to the private sector. Testimony was heard from Deidre Lee, Administrator, Office of Federal Procurement Policy, OMB; the following officials of the SBA: Max E. Summers, State Director, Small Business Development Center, State of Missouri; and Major Clark, Assistant Advocate, Office of Advocacy; Scottie Knott, Director, JECPO, Defense Logistics Agency, Department of Defense; and a public witness.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 673, amended, Florida Keys Water Quality Improvements Act of 1999; H.R. 855, amended, Long Island Sound Preservation and Protection Act; H.R. 1106, amended, Alternative Water Sources Act of 1999; H.R. 1237, amended, to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program; H.R. 2957, amended, Lake Pontchartrain Basin Protection Act of 1999 and H.R. 3313, amended, Long Island Sound Restoration Act;

H.R. 1405, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building''; H.R. 1571, to designate the Federal building under construction at 600 State Street in New Haven, Connecticut, as the ''Merrill S. Parks, Jr., Federal Building''; H.R. 1729, To designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall''; H.R. 1901, to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station''.

The Committee also approved Corps of Engineers Survey Resolutions and 11(b) Pubic Buildings Resolutions.

EGYPT AIR CRASH ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Issues Arising out of the Egypt Air Crash, including Video Recorders in the Cockpit, English Proficiency Requirements for Foreign Pilots and Psychological Testing of Pilots. Testimony was heard from Representative Franks of New Jersey; James E. Hall, Chairman, National Transportation Safety Board; Thomas McSweeny, Associate Administrator, Regulation and Certification, FAA, Department of Transportation; and public witnesses.

CAPITAL INVESTMENT PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation held a hearing on GSA's Fiscal Year 2001 Capital Investment Program. Testimony was heard from Robert Peck, Commissioner, Public Buildings Service, GSA; and Bernard Ungar, Director, Government Business Operational Issues, GAO.

FUNDAMENTAL TAX REFORM

Committee on Ways and Means: Held a hearing on fundamental tax reform. Testimony was heard from Representatives Peterson of Minnesota and Linder; Billy Hamilton, Deputy Comptroller of Public Accounts, State of Texas; and public witnesses.

Hearings continue tomorrow.

SOCIAL SECURITY—EFFORTS TO INFORM PUBLIC

Committee on Ways and Means: Subcommittee on Social Security held a hearing on efforts to inform the public about Social Security. Testimony was heard from Representatives Weller, Hoekstra, Pomeroy and Sununu; Kenneth S. Apfel, Commissioner, SSA; Barbara Bovbjerg, Associate Director, Education, Workforce and Income Security Issues, Health, Education and Human Services Division, GAO; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 12, 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 Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety and Hazardous Investigation Board, 9:30 a.m., SD–138.

Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, to hold oversight hearings on multi-state insurance agent licensing reforms and the creation of the National Association of Registered Agents and Brokers, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings on S. 2255, to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold oversight hearings to examine federal actions affecting hydropower operations on the Columbia River system, 2:30 p.m., SD–366.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings to examine issues dealing with the Russian presidential elections, 10 a.m., SD–419.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings on the status of infrastructure projects for Caspian Sea energy resources, 2 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the Wassenaar arrangement and the future of multilateral export control, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 2311, to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease; the proposed Organ Procurement and Transplantation Network Act Amendments of 2000; the nomination of Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation; the nomination of Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor; the nomination of Marc Racicot, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community

Service; the nomination of Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Scott O. Wright, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2003; and the nomination of Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities for the term expiring January 26, 2006, 11 a.m., SD–430.

Committee on Indian Affairs: to hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform, 9:30 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to resume oversight hearings on the handling of the investigation of Peter Lee, 9:30 a.m., SH–216.

Committee on Rules and Administration: to resume hearings on campaign finance reform proposals, focusing on compelled political speech, 9:30 a.m., SR–301.

House

Committee on Agriculture, hearing on Review of federal farm policy, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and Judiciary, on Report of Overseas Presence Advisory Panel, 2 p.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Members of Congress, 10 a.m., and 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on public witnesses, 9 a.m., and 1 p.m., H–143 Capitol.

Committee on Banking and Financial Services, to mark up the following bills: H.R. 2764, America's Private Investment Companies Act; and H.R. 2848, New Markets Initiative Act of 1999, 1 p.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, to mark up the following bills: H.R. 623, to amend the Energy Policy and Conservation Act to eliminate certain regulation of plumbing supplies; 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; H.R. 3852, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; S. 1236, to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho; and a measure concerning the authority of the Secretary of Energy under the Price-Anderson Act, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, to continue mark up of H.R. 4141, Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act; and to mark up the following bills: H.R. 4055, IDEA Full Funding Act of 2000; and H.R. 3629, to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III, 11 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service, hearing on ''The Failure of the FEHBP Demonstration Project: Another Broken Promise?'', 2 p.m., 2203 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on the Emerging Drug Threat from Haiti, 10 a.m., 2203 Rayburn.

Subcommittee on Government Management, Information, and Technology, hearing on ''Legislative Hearing to Establish the Commission for the Comprehensive Study of Privacy Protection'', 10 a.m., 2247 Rayburn.

Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on ''Reinventing Paperwork?: The Clinton-Gore Administration's Record on Paperwork Reduction'', 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on United States-European Union Relations: The View from the European Parliament, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, to mark up the following measures: H. Res. 449, congratulating the people of Senegal on the success of the multi-party electoral process; and H.R. 3879, Sierra Leone Peace Support Act, 3 p.m., 2255 Rayburn.

Subcommittee on Asia and the Pacific and the Subcommittee on International Operations and Human Rights, joint hearing on Democracy in the Central Asian Republics, 1:30 p.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, to mark up H.Con.Res. 295, relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces, 3:30 p.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing on the Antitrust Enforcement Agencies: the Bureau of Competition of the FTC and the Antitrust Division of the Department of Justice, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, to mark up H.R. 4227, Technology Worker Temporary Relief Act, 1 p.m., 2226 Rayburn.

Committee on Resources, oversight hearing on Compromising our National Security by Restricting Domestic Exploration and Development of our Oil and Gas Resources, 11 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 4199, Date Certain Tax Code Replacement Act; and H.R. 3439, Radio Broadcasting Preservation Act of 2000, 3 p.m., H–313 capitol.

Committee on Science, hearing on NASA's Mars Program After the Young Report, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Oversight, Investigations, and Emergency Management, hearing on Fire Grants: H.R. 1168, Firefighter Investment and Response Enhancement (FIRE)

Act; and H.R. 3155, Firefighter's Local-Federal Assistance for Management of Emergencies Act; and the Administration's Proposal for Assistance to Firemen, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on H.R. 3670, to amend the Federal Water Pollution Control Act to reauthorize the Great Lakes program, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on status of recruitment, retention and compensation of the VA health care workforce including nurses, physicians and dentists, 10 a.m., 334 Cannon.

Committee on Ways and Means, to continue hearings on fundamental tax reform, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, hearing on NSA Legal Authorities, 12 p.m., 2118 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine reform of the International Monetary Fund and the World Bank, 9:30 a.m., 311, Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 12

Senate Chamber

Program for Wednesday: After the recognition of certain Senators for speeches, and the transaction of any morning business (not to extend beyond 12 noon), Senate may continue consideration of H.R. 6, Marriage Tax Penalty Relief Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 12

House Chamber

Program for Wednesday: Consideration of H.J. Res. 94, Tax Limitation Constitutional Amendment (modified closed rule, two hours of debate);

Consideration of H.R. 2328, Clean Lakes Program (open rule, one hour of debate);

Consideration of H.R. 3039, Chesapeake Bay Restoration Act (open rule, one hour of debate).

Extensions of remarks, as inserted in this issue

HOUSE

Bereuter, Doug, Nebr., E534
Bonilla, Henry, Tex., E539
Capps, Lois, Calif., E536
Costello, Jerry F., Ill., E533
Cummings, Elijah E., Md., E528, E532
Cunningham, Randy ''Duke'', Calif., E530
Davis, Danny K., Ill., E534
DeLauro, Rosa L., Conn., E528
Evans, Lane, Ill., E530
Filner, Bob, Calif., E536
Foley, Mark, Fla., E527
Gejdenson, Sam, Conn., E527, E531
Gilman, Benjamin A., N.Y., E539
Gordon, Bart, Tenn., E528
Hoeffel, Joseph M., Pa., E535
Jenkins, William L., Tenn., E538
Kelly, Sue W., N.Y., E529, E533
Kuykendall, Steven T., Calif., E535
Lampson, Nick, Tex., E536
Lee, Barbara, Calif., E536
Lewis, Jerry, Calif., E538
Mascara, Frank, Pa., E534
Pascrell, Bill, Jr., N.J., E527
Radanovich, George, Calif., E527, E529, E531, E533
Rangel, Charles B., N.Y., E531
Reyes, Silvestre, Tex., E535
Ryun, Jim, Kans., E533
Scarborough, Joe, Fla., E529
Sherwood, Don, Pa., E538
Smith, Nick, Mich., E537
Spence, Floyd, S.C., E535
Stark, Fortney Pete, Calif., E531, E533

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5:30 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $179.00 for six months, $357.00 per year, or purchased for $3.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.