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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 12, 2000.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Chip Lingle, Faith Lutheran Church, Savannah, Georgia, offered the following prayer:

Heavenly Father, from the endless bounty of Your love for Your creation, You provide all that we need. As Your people, we confess our trust in You, believing that You care for our welfare.

''In God we trust'' we proclaim on our currency. Yet the people of this Nation also put their trust in these elected representatives. We trust that they will do Your will and provide justice to ensure a quality of life that You provide.

Protect these honorable representatives, give them Your wisdom so that their decisions may reflect Your desire for Your people. Give them a quiet assurance and guide them in the difficult times. May Your will be reflected through them and may Your people be blessed by their leadership. 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 New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

WELCOMING REVEREND CHIP LINGLE TO THE HOUSE OF REPRESENTATIVES

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

Mr. KINGSTON. Mr. Speaker, it is with great pleasure that I introduce the chaplain of today, the Reverend Chip Lingle.

Chip comes to us from Faith Lutheran Church in Savannah, the mother city of Georgia, founded in 1733. He has been there with his wife, Ruth, for 5 years.

Reverend Lingle grew up in North Carolina and did his undergraduate studies at the University of North Carolina in Raleigh. He received his master's from the Lutheran Theological Seminary of the South in Columbia, South Carolina and has served in churches in North Carolina, South Carolina, and in Georgia.

I have gotten to know the Lingle family over the past years and have become great friends with his son Ben, who also served as a page here. Ben goes to Jenkins High School and is a member of the National Honor Society. He is a member of the marching band and concert band. He is on the Mock Trial team and has been very active in Boy Scouts and church activities and plays in a rock and roll band called Sweet Pig.

Ben is also here with us today; and so is Reverend Lingle's mother, Isetta Lingle, who is with us in the gallery.

So please join me in welcoming Reverend Chip Lingle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute requests from each side of the aisle.

Members are reminded to refrain from references to those spectators in the gallery.

WAR AGAINST METHAMPHETAMINE ACT OF 2000

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

Mr. CALVERT. Mr. Speaker, it is no secret that methamphetamine has reached epidemic proportions in our Nation. Last year alone, we saw almost 6,000 lab seizures affecting nearly every State in the Nation.

It is time we declare war against meth. This deadly drug has thousands of innocent victims. Ordinary families find their property ruined or health at risk by the deadly chemicals used to make meth. These chemicals destroy soil and plants, contaminate drinking water, and poison the air we breathe.

We know we have reached a crisis situation with meth. The statistics are there. Forty-four States reported nearly 6,000 meth lab seizures in 1999 alone. And most disturbing, over 1,200 children were found during these lab seizures.

We must face the problem head on. My legislation does just that. The War Against Meth Act ensures that we stop meth production but punish those who would put innocent victims and the environment in danger. Today we introduce this bipartisan legislation with over 60 cosponsors.

Mr. Speaker, I would like to finally thank all the law enforcement men and women that are fighting this battle on a daily basis as we declare, once again, war on meth.

TAX CODE IS UNAMERICAN

(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, the Tax Code is unAmerican. It is also so big it would give King Kong a hernia.

But the bad stuff is evident. The Tax Code rewards dependency, subsidizes illegitimacy, kills jobs, and chases companies overseas.

Now, if that is not enough to overload your hard drives, check this out: Experts say that the Tax Code is needed because it modifies economic behavior.

Beam me up.

If the Founders wanted to modify economic behavior, they would have contracted with Sigmund Freud to write the Tax Code.

I yield back the ego, the id, and the super ego of our kinky Tax Code.

WE NEED TO WAGE WAR AGAINST METH

(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, earlier this year an illegal meth amphetamine lab exploded on the 12th floor in a hotel in downtown Reno.

So today, Mr. Speaker, I rise to express my strong support for a bill which my colleague the gentleman from California (Mr. CALVERT) just spoke about and will be introducing today. His Working and Reacting Against Methamphetamine Act will wage a full scale and meaningful war against the methamphetamine epidemic that has spread throughout America.

Mr. Speaker, last year, 1999, 44 States reported close to 6,000 meth lab seizures. Obviously, this is a growing problem that we must address.

The War Against Methamphetamine Act will increase the penalties for producing both amphetamine and methamphetamine. The bill will also provide law enforcement officials with the necessary tools and resources to effectively combat the meth epidemic.

We need to protect our children from the latest drug epidemic located in our open backyards. I encourage our colleagues to support the War Against Meth Act and its multifaceted approach to closing down meth labs nationwide.

WAR AGAINST METHAMPHETAMINE ACT

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

Mr. REYES. Mr. Speaker, I rise today in strong support of the War Against Methamphetamine Act introduced by my colleague the gentleman from California (Mr. CALVERT).

We have all heard the staggering numbers related to meth labs across the country. The most troubling figure, in my mind, is the number of children that have been found at the lab seizure sites, 1,252 children at the sites.

This legislation increases penalties related to amphetamine and creates new and additional penalties for the production of these dangerous drugs. This bill also establishes a national center that would be created in conjunction and coordination with the Drug Enforcement Agency, the L.A. Clearinghouse, and the El Paso Intelligence Center, which is, by the way, located in my district.

The National Center will collect, analyze, and distribute all seizure information sent in by law enforcement officials across the country. This National Center will allow law enforcement officials across the country to instantly access vital information on these kinds of seizures.

I urge all my colleagues to cosponsor this bill and support our local law enforcement.

WILL PRESIDENT AL GORE PARDON PRESIDENT BILL CLINTON?

(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 an editorial in today's Washington Post, we hear once again that the new Independent Counsel Robert Ray is serious about indicting the President after he leaves office.

The Post says that, ''A plausible indictment of Mr. Clinton, who has never publicly acknowledged the extent of his wrongdoing, could surely be drawn.''

It goes on to say, ''Some opponents of impeachment argued during the congressional proceedings that Mr. Clinton's susceptibility to criminal prosecution after his term in office was a powerful reason not to remove him.''

And the Post editorial continues in talking about disbarment and a $90,000 fine, arguing in the end that Mr. Ray should exercise restraint.

Mr. Speaker, to me there is a more important question. The Associated Press reported yesterday the administration announced that the President will not pardon himself. But if the Vice President is successful in his bid to succeed his boss, would he then turn around and pardon him?

The real question is, will President AL GORE pardon President Bill Clinton? I think he owes it to the American people to explain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that it is not in order to address the personality of the President or the Vice President of the United States.

FREE AND FAIR ELECTIONS PARAMOUNT TO OUR SYSTEM OF GOVERNMENT AND THOSE OF CENTRAL AND SOUTH AMERICA

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

Mr. MCNULTY. Mr. Speaker, I am pleased to yield to my friend, the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just make the point that, whether Republican or Democrat, a theme that our country is built on is the idea of free and fair elections. And if what is going on in Peru right now is able to stand, then the Fujijmori government in Peru will be built on unfree and unfair elections.

Indeed, a lot of controversy is going on right now about a young boy and whether he should or should not go back to Castro because of freedom. If we look at what is going on, again, in Peru, a cancer will start to grow that America should be no part of.

So I would say that, if what stands, we need to look at stripping aid from the supplemental, we need to look at blocking aid with the drug war, we need to look at blocking access to international financial institutions. Because free and fair elections are paramount to our system of government and to governments throughout Central and South America.

PASS H.R. 1070 BY THIS MOTHER'S DAY

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

Ms. ROS-LEHTINEN. Mr. Speaker, despite education on preventive measures and early detection, the rate of cancer among women has continued to increase at an alarming rate. Every 64 minutes a woman is diagnosed with reproductive tract cancer. And just today, one in eight women will be diagnosed with breast cancer.

Our colleague, the gentlewoman from North Carolina (Mrs. MYRICK), shared with us how she is among the fortunate who can afford life-saving treatment after her diagnosis.

We have encouraged low-income mothers and daughters to have mammogram screenings and early detection measures. But when these medical tests show an unfavorable diagnosis, who is there to ensure that they receive the life-saving treatment they so desperately need?

Mr. Speaker, our Nation's low-income women living with breast cancer cannot wait any longer. H.R. 1070 gives the States an optional Medicaid benefit to provide treatment to low-income women screened and diagnosed with breast or cervical cancer through the CDC early detection program.

Mother's Day is May 14, and the most valuable gift that Congress can give American women is a fighting chance at beating cancer. I hope that my colleagues will work for passage of H.R. 1070 by this Mother's Day.

REUNIFICATION OF FATHER AND SON

(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, what I believe the American people would like to see as we move through this week is a simple reunification of a father and a son, Elian Gonzalez and Juan Miguel Gonzalez, without force, without violence, bringing the two families together, emphasizing the importance of family, helping us as the American people reaffirm our values that father and son belong together.

I hope we, as Members of the United States Congress, whose jurisdiction is not in play at this time, and appropriately so, will encourage the reunification of father and son, something that Americans have believed throughout the centuries.

WAR AGAINST METHAMPHETAMINE ACT

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

Mr. LATHAM. Mr. Speaker, I rise today in support of the War Against Methamphetamine Act introduced today by our colleague from California (Mr. CALVERT).

In the upper Midwest in Iowa, there has simply been an explosion of methamphetamines that is affecting our young people, our families, our communities, and being the most destructive element that we have seen in many, many years.

There are four legs to fighting this problem. One is for interdiction, another enforcement, education, and then treatment. What this bill does is gives us the tools to help with enforcement by increasing penalties for those selling, by making sure that we are able to track people who are making the drugs, and by increasing penalties to those who are causing tremendous environmental damage with the labs that are being put in place to make this horrible drug.

This is a great measure to move us forward in this great battle, and I would hope the entire House will join in supporting this measure.

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TAX CODE

(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, our economy is important, and we need sound policy, not soundbites. As the tax due date approaches, what we are getting is soundbites, and perhaps the worst is what is going on in the Committee on Ways and Means this week where they are considering a proposal to delegate rewriting the Tax Code to a commission, not to Members of Congress, who are supposed to report that code out on July 4, 2004, and then our Internal Revenue Code would, by the terms of this bill, expire by the end of 2004. This means our economy will be in total disarray. Who would invest in municipal bonds if they do not know if the advantages of investing in them will be swept away? Who will start an R&D tax project if the credit is going to be swept away or might be? And who would count on fiscal responsibility in a society that is going to give its Congress just a few months to rewrite the entire Tax Code after it hears from a commission?

What we see instead is an elaborate ruse that prevents us from reforming the Tax Code one section at a time.

ALZHEIMER'S/OKLAHOMA MEDICAL RESEARCH FOUNDATION

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

Mr. LUCAS of Oklahoma. Mr. Speaker, I am pleased to announce remarkable news from the great State of Oklahoma. Today, the Oklahoma Medical Research Foundation will announce a breakthrough discovery in the fight against Alzheimer's disease. Researchers at OMRF discovered the enzyme which is found in our brains and which scientists believe is directly responsible for the Alzheimer's disease.

Not only did Oklahoma researchers pinpoint the cause of Alzheimer's disease, they have also designed a way to stop it. If this breakthrough can successfully be transformed into a drug, Alzheimer's could become a manageable disease, like high blood pressure, diabetes, not the terminal disease we know now. This discovery will have a profound impact, since 4 million Americans suffer from Alzheimer's and another 19 million members of their families suffer along with them.

I hope one day my kids can view Alzheimer's the same way my generation views polio, a terrible disease that was conquered with scientific advances. Basic research forms the building blocks of science and medicine and this type of breakthrough clearly illustrates why the Federal Government's investment in basic research is invaluable. Again, I am excited to report this and the many coming announcements of good news from the Oklahoma Medical Research Foundation.

METHAMPHETAMINES

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

Mr. BACA. Mr. Speaker, I rise in support of legislation introduced by the gentleman from California (Mr. CALVERT), my colleague from the Inland Empire. As a cosponsor of the bill, I join him in the war against meth labs. This bill increases penalties for drug criminals and puts them out of business. Meth labs create harm to a lot of our children and our communities. It contaminates drinking water. It contaminates the soil in our area.

There are more than 2,500 meth labs in the Inland Empire. That means children living at home exposed to chemicals with drug dealers, your children playing next to meth labs. Your spouses or your loved ones are at risk. That means 13 lab fires and explosions in San Bernardino County last year. That means homes blowing up and police being placed at risk. This is why the San Bernardino Sheriff's Department supports this bill. It is time to say no to drugs. Support this bill.

BREAST AND CERVICAL CANCER TREATMENT ACT

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

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act. This legislation provides States the option of providing Medicaid coverage to uninsured, low-income women who are diagnosed with breast or cervical cancer as part of a screening process by the Centers for Disease Control.

While the CDC's National Breast and Cervical Cancer Early Detection program helps identify women with breast or cervical cancer, it does not provide any coverage or any treatment. These women patients not only face a terrifying battle with cancer but they also must find ways to pay for the care they need. H.R. 1070 rectifies this problem by helping low-income women get the medical treatment they need. The bill is vital to help save the lives of women throughout our Nation. It would make the best gift Congress could offer if we were to pass H.R. 1070 by Mother's Day. I am pleased that this legislation soon will be considered on the floor of the House. It is a good bill and will do the job. I ask my colleagues to support this legislation.

TAX RELIEF

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

Mr. KNOLLENBERG. Mr. Speaker, with a determination to save the American dream for the next generation, the Republican Congress has turned the tax-and-spend culture of Washington upside down and produced a balanced budget with tax cuts for the American people. Now that the Federal Government's financial house is finally in order, the big question facing Congress and the President is, what is next? With the average family still paying taxes, more in taxes than it spends on basic necessities, the obvious answer is tax relief for the American worker.

As we move from the era of budget deficits to budget surpluses, some people in this town will argue that we can afford to spend this money on new programs. However, that is the mindset that got us in trouble in the first place. For our children's sake, for common sense sake, it must be rejected once and for all. I urge, Mr. Speaker, my colleagues to continue fighting for the additional tax relief that the American people need and deserve.

A SIMPLER, FAIRER AND FLATTER TAX CODE

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

Mr. CHABOT. Mr. Speaker, our current tax code is unfair. It taxes savings. It taxes marriage. It even taxes death. It is virtually incomprehensible, even to tax lawyers and to accountants. In fact it is even four times the length of the Bible. This week we have an opportunity to take a major step towards reforming our tax system. The House will consider H.R. 1041, legislation to sunset the Tax Code.

This legislation will encourage Congress to create a simpler and fairer and more reasonable tax system for Americans. It gives us a deadline to do it. Once this bill becomes law, the current Tax Code would sunset on December 31, 2004, and Congress must then implement a new Tax Code or reauthorize the current one we have by July 4, 2005. Our tax laws are complicated, unfair, and unreasonable. Let us work together to sunset our abominable Tax Code and replace it with something simpler and fairer and flatter.

COMMEMORATING 100TH ANNIVERSARY OF HAMPSTEAD VOLUNTEER FIRE DEPARTMENT

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

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to honor the men and women of the Hampstead Volunteer Fire Engine and Hose Company No. 1 of Carroll County, Maryland. The fire company was founded on February 13, 1900, and will celebrate its 100th anniversary on April 15 of this year. The founders' goal was to establish fire protection for their little town. One hundred years later, the town has grown and the company has grown from just a few men to more than 100 active and associate members whose goal today is the same, to provide the highest level of fire and emergency medical service to their community.

From the daunting task of fighting fires to responding to accidents and emergency medical situations, the Hampstead volunteers have remained stalwart members of the Hampstead community. Keep in mind, these are volunteers who come to the aid of their neighbors day and night, without pay and oftentimes with complete disregard for their own well-being. I am certain the citizens of Hampstead join me in congratulating the Hampstead fire fighters and look forward to another 100 years of exemplary service.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 471 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 471

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, 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; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 471 is a structured rule providing for the consideration of H.J. Res. 94, proposing an amendment to the Constitution of the United States with respect to tax limitations. The rule provides for 2 hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. 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 1 hour equally divided and controlled by the proponent and an opponent. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, with tax day arriving at the end of this week, there is certainly no better time for the House to consider this important constitutional amendment. The tax limitation amendment starts from this very simple premise that it should be harder, not easier, for government to raise taxes. The average American pays more in taxes than it does in food, clothing, shelter, and transportation combined. For too long, the tax burden imposed by the Government has been going up, not going down. I am very, very proud to sponsor this constitutional amendment.

Mr. Speaker, passage of this rule will allow the House to begin debate on one of the most serious matters to be considered by this House, an amendment to the Constitution of the United States. When our Founding Fathers met more than 200 years ago to draft what became the Constitution of the United States, there was agreement on what problems our Nation faced and our Constitution was drafted to address these problems.

In many instances, they wrote specific language protecting people from what at times could be an oppressive, intrusive, or overbearing Federal Government. They protected bedrock foundations to our liberty and freedom, such as life, the pursuit of happiness, freedom of speech and freedom of religion. Just as importantly, the Founding Fathers required certain actions and laws passed by Congress to obtain a supermajority vote, not just a simple majority because they foresaw that the people must overwhelmingly support some action.

Our Founding Fathers were so insightful and ingenious in their preparation of the Constitution that they enlisted within our system of checks and balances a Constitution which would clearly enumerate occasions where a supermajority would be appropriate as a guardian of the people. A vote of two-thirds of both houses, for example, is required to override a presidential veto. A two-thirds vote of the Senate is required to approve treaties or to convict an impeached Federal official.

But a two-thirds vote in Congress is not yet required for raising taxes. In my view, our Founding Fathers would recognize that under the current system there is an inherent bias towards raising taxes and might have supported this constitutional amendment.

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There has long been a bias towards raising taxes under the current system. Spending benefits are targeted at specific groups. These special interests successfully lobby Congress and the

President for more and more spending. Taxes, on the other hand, are spread among millions of people. Taxpayers usually cannot come together as efficiently as a special interest group with a specific appropriation in mind.

As Congress seeks to keep the budget in balance, yet spending has still remained high, the easiest answer always for Congress is simply to raise taxes.

The Federal budget is currently in balance, in part due to spending constraints by Congress, as well as hard work and global-leading productivity of American workers, but short economic downturns can be expected. Future Congresses may not be as fiscally responsible and return to the ways of deficit spending.

The easy answer then is to raise taxes.

Making it more difficult to raise taxes balances the options available to Congress and makes decisions on the size of government. It is critical that this balance be achieved. By requiring a supermajority to raise taxes, an incentive for government agencies would be created to eliminate waste, fraud and abuse and to create efficiency rather than simply turning to more deficit spending or to increase taxes.

It is important to remember that there was no Federal income tax when our Founding Fathers drafted the Constitution. Not until 1913 was the 16th amendment of the Constitution passed to allow Congress to tax the American people. The first tax ranged from 1 to 7 percent and only applied to the wealthiest Americans. Today, some taxes are collected by the Federal Government at a 50 percent rate.

Medieval serfs gave 30 percent of their output to the lord of the manor. Egyptian peasants gave 20 percent of their toils in their fields to the Pharaoh. God only required 10 percent from the people of Israel. Yet in America, Federal, State and local taxes eat up many times in excess of 40 percent of the average American's income.

The burden of tax rates is not only too high, but that is only half the story. As tax rates have increased, the heavy hand of the tax collecting branch of our government has been strengthened. It has been determined by our majority leader, the gentleman from Texas (Mr. ARMEY), that our Federal income tax collection agency, the Internal Revenue Service, sends out more than 8 billion pages of forms and instructions each year. Our Federal income tax collection agency is twice as big as the CIA and five times bigger than the Federal Bureau of Investigation.

No other institution poses such a threat to liberty than the Internal Revenue Service and our Tax Code, and this is all as a consequence that tax rates are too high and the Tax Code is too complex.

A constitutional amendment requiring a two-thirds vote to raise taxes would help alleviate some of this misfortune. Thomas Jefferson once wrote, ''The God who gave us life gave us liberty.''

I imagine that Thomas Jefferson never envisioned such an intrusive agency as the IRS. Today, unfortunately, the reality is the IRS is a prevalent part of our daily lives, particularly this week with the April 15 tax deadline fast approaching.

Every year, Americans are taxed for billions and billions of dollars. Sometimes these taxes that are passed are retroactively done so. Sometimes they are passed from generation to generation and sometimes they are forced upon us even after death by the Federal Government.

So today, Mr. Speaker, I stand before my colleagues with a bipartisan coalition to put forth to the States a question of liberty. Will we make it harder for Congress to raise taxes on its citizens? Will we require a two-thirds vote of both Houses of Congress to pass a tax increase on to working Americans and children? Will we pass this amendment to the Constitution and require a supermajority, not just a simple majority to raise taxes?

This amendment will apply to all tax increases from the Federal Government, not just tax hikes. A two-thirds vote requirement would allow Congress to raise taxes in time of war or national emergency, but would simultaneously prevent the intrusive and penalizing tax increases that have been enacted with recklessness to fund government expansion over the last decades.

As we speak, several States of this great Union, including Arizona, California, Florida and Missouri, have adopted measures requiring that any tax increase by their legislature pass by a two-thirds majority. It is time that the Federal Government joins these States in listening to the voice of the American people. It should be harder to raise taxes. Had this amendment been adopted sooner, the four largest tax increases since 1980, in 1982, 1983, 1990 and 1993 all would have failed. That tax increase in 1993 was the largest tax increase in American history and it passed just by one vote. These tax increases totaled $666 billion to the American taxpayer.

The bottom line of this debate, Mr. Speaker, is that we should make it more difficult to raise taxes on the American people. Those that oppose it will do so because they want to make it easier to raise taxes on the American people.

Mr. Speaker, this is the defining issue. Those Members who support this amendment are here to support the taxpayers of America. Those Members who oppose it today are here to defend the tax collectors of America. It is really that simple.

We hear rhetoric from opponents of this legislation citing jurisdiction, procedure, and a slew of other glossary terms but nothing can hide the reality that America and all taxpayers support a two-thirds tax limitation because they want to make it more difficult to raise taxes.

Mr. Speaker, like many Members of this body I not only oppose raising taxes, I support making our Tax Code fairer, simpler, and flatter. The tax limitation amendment allows for tax reform and it provides that any tax reform is revenue neutral or provides a net tax cut. Also, any fundamental tax reform which would have the overall effect of lowering taxes could also still pass with a simple majority.

The tax limitation amendment also allows for a simple majority vote to eliminate tax loopholes. The de minimis exemption would allow nearly all loopholes to be closed without the supermajority requirement.

We may hear from opponents today, those who will be saying to make it more difficult to raise taxes that the Government would be unable to function if a supermajority is required. Well, Mr. Speaker, I would encourage Members to look back at their States. Fourteen States require a supermajority to raise taxes. Millions of Americans living in these States have enjoyed slower growth in taxes, slower growth in government spending, faster growing economies, and lower unemployment rates. Tax limitation can bring to all Americans those things that are benefits that are enjoyed by those living in tax limitation States.

This amendment protects the American people. It makes it harder for the Federal Government to raise taxes on its citizens and that is why I am here today.

Today we can take one step closer to regaining liberty and ensuring future generations the freedom of our Founding Fathers intended for all Americans to enjoy. This debate is about liberty. This debate is about requiring a two-thirds vote to raise taxes on America.

Mr. Speaker, at this time I would remind my colleagues that this is a fair rule adopted by a voice vote yesterday in the Committee on Rules. It is the standard rule under which this proposal has been considered for years in the past. I urge my colleagues to support this rule.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my friend, the gentleman from Texas (Mr. SESSIONS), for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, today marks the fifth year in a row that my Republican colleagues have dusted off this old same constitutional amendment just in time for tax day. At the end of the day, Mr. Speaker, we will probably mark the fifth year in a row that this amendment fails to garner the required two-thirds vote.

So why do my Republican colleagues continue to bring up this resolution year after year after year? They do not even bother to bring it to their own Committee on the Judiciary. I am glad that my friend, the gentleman from Texas (Mr. SESSIONS), spoke so long and explained it because this is the only debate we are going to have on the bill. It did not go before the Committee on the Judiciary.

Imagine amending the Constitution of the United States of America without one hearing before the basic committee in the Congress that would deal with that, the Committee on the Judiciary?

Well, here we go again. Mr. Speaker, if my Republican colleagues were serious they would fine-tune this amendment in a congressional committee. They would have hearings. They would mark it up, but this resolution has not been to the Committee on the Judiciary. In fact, Mr. Speaker, I will let my colleagues in on a little secret. This bill was just introduced last Thursday. The ink is still wet.

Given that the amendment is destined to fail again this year, as it does every year, it would seem that it is being offered not to effect change but really to affect the evening news, because even when my Republican colleagues had a chance to practice the preachings of this amendment, they did not.

We may recall at the beginning of the 104th Congress, my Republican colleagues changed the House rules to require a two-thirds majority for every tax increase. Mr. Speaker, guess what? Every time it came up, every time they have this tax increase, they waive the rule. I would say, Mr. Speaker, that if a rule is not to be obeyed in the House of Representatives that surely it is not worthy of being an amendment to the United States Constitution.

Back in the 1780s under the Articles of Confederation, the United States tried a supermajority. It did not work then. It will not work now.

The foundation of a supermajority is a mistrust, a mistrust of the ability of the majority of American people to govern; and I for one think that that mistrust is misplaced. Because of that mistrust, Mr. Speaker, a supermajority changes the very foundations of our government from a majority-run institution to a minority-run institution, and that is not what our Founding Fathers had in mind.

In the Federalist Papers No. 58, James Madison argued against supermajorities. Under a supermajority, he said, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transferred to the minority.

Furthermore, Mr. Speaker, if this tax amendment were to pass, it would help the rich and hurt the middle- and lower-income people. Rich Americans get most of their government benefits in the form of tax breaks. The rest of the country gets their government benefits in the form of Social Security, Medicare, student loans, and unemployment insurance. This amendment would make it much harder to close those tax loopholes for the very rich, and make it necessary to cut the benefits for everyone else.

Mr. Speaker, it would also make it much harder to strengthen Social Security, make it much harder to strengthen Medicare. In fact, it could even have the effect of reducing Social Security benefits.

In short, Mr. Speaker, it would shackle our government to the tax laws in effect today, with very little hope of changing them in the future. Whether for better or for worse and like so many of my Republican colleagues' proposals, the rich come out way ahead and everybody else pays the price.

Mr. Speaker, this amendment was a bad idea 5 years ago. This was a bad idea 4 years ago. This was a bad idea 3 years ago. This was a bad idea 2 years ago; and, Mr. Speaker, it is a bad idea today.

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So I urge my colleagues to oppose this annual tax day Valentine, this sloppy assault on our Constitution.

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

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

Mr. Speaker, I am really not surprised for us to be debating in this manner that what we are doing does not make sense, it is unnecessary, it is unwise, no one would be in favor of making it harder to raise taxes. It is bad for America, it is all for the rich. Well, in fact, the reason why we are standing up today is for the exact people that we have talked about that the minority says is bad for them.

There is a power model in this same vein that was followed and begun some 30 years ago. The gentleman from Texas (Mr. ARCHER) from the Seventh District of Texas, now the chairman of the Committee on Ways and Means, when he came to Congress 30 years ago, the first bill that he dropped as a Member of Congress said that he would like to raise the earnings limit that was placed on senior citizens. For 25 years, he was not only called names and made fun of, but Members of the other side made sure that they said that is not necessary, it is for rich people. In fact, it was for the senior citizens of this country.

The gentleman from Texas (Mr. ARCHER) became the chairman of the Committee on Ways and Means. The gentleman from Texas then held the first hearings that were necessary to begin the dialogue and the debate. Then this senior earnings limit began appearing on the floor of the House of Representatives because Republicans knew that it was important to senior citizens; and beyond that, it was simply fair and the right thing to do.

Several times, it was voted on on the floor of the House of Representatives. Our friends on the other side had an opportunity every time to vote against senior citizens in lifting this earnings limit.

Well, Mr. Speaker, what happened then is, because of efforts by the Republican Party where we quit spending every single penny of Social Security, the surplus, and we started putting it back into Social Security, my friends on the other side of the aisle began feeling a little bit queasy about who was making progress with the American taxpayer; in this case, it was the senior citizen of America.

Just 3 weeks ago, this House of Representatives passed 422 to nothing, unanimously in the Senate, that we would lift the earnings limit. The President of the United States signed this into law after vetoing this several times. The President said, boy, he wished we could have done more, could have done more for senior citizens, but not everybody is for making the same kind of progress. He recognized that there are honest differences on both sides of the aisle. Yes, we understand that honesty. We understand those honest differences today.

Today we are now in our 10th year of what may be a 30-year effort to make it harder to raise taxes. As usual, one side is going to be supportive of this, by and large, and the other side is going to drag their heels. But we are not going to be frustrated. We are not going to worry about what the rhetoric is. We are going to continue to stand up on the side of the taxpayer.

Mr. Speaker, I yield 5 minutes to the gentleman from Stratford, Missouri (Mr. BLUNT), my colleague and assistant Majority Whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for the time to speak in favor of this rule and for bringing this, and I also want to thank him for bringing this important issue to the floor of the House.

We have a chance today to cast a vote for the future. Two-thirds simple majority is, in fact, reserved for the most important of issues, including amending the Constitution, ratifying treaties in the Senate. The founders understood that the two-thirds majority was appropriate majority on those kinds of issues.

I am confident that this standard of importance would have been used to decide other things if there had been any perception of what those other things might have been.

There were issues that James Madison and others thought were important enough for a supermajority. If they had any idea of what the tax burden on American families would be today, this would have been one of those issues in that Philadelphia summer of 1787.

A two-thirds simple majority standard would guarantee that there was a consensus among Members of both parties that increasing taxes was a necessity. This bill has gone through the committee process over and over again. It was just pointed out by the other side that this same legislation has been rejected by the House a number of times. Well, to be rejected by the

House a number of times, it had to get to the House floor a number of times. It is the same bill that went through that committee process in the last Congress.

Today is the time to cast this vote. Today is the time to vote on this issue. I am grateful that the gentleman from Texas (Mr. SESSIONS) in the Committee on Rules and the other committees have brought it to the floor today as they have.

By making it more difficult for Congress to endlessly reach into the pockets of working Americans, a two-thirds simple majority would require Members to be more careful in the dollars they spend. We should spend every dollar taken from American families with the utmost care, making it harder for this Congress and more likely for future Congresses to take that money, makes it more likely it will be spent with greater care, be more treasured as it comes here because it is coming right from working families.

In the 14 States which has implemented tax limitation standards, taxes and spending grew at a slower rate, while the economy and jobs grew at a faster rate than in the other States. That, Mr. Speaker, is not by accident.

Although the economy is presently strong, Federal taxes are still the highest they have been since World War II. The entire tax burden is the highest it has been in the history of the country. It is important to compliment this strong economic standard today by dealing with the future of taxes in America as this bill does.

The most recent States to pass tax limitation measures have done so with overwhelming voter approval. They would have met the two-thirds requirement because they met requirements of over 70 percent of their voters saying we want to see tax limits in our State.

Again, States with tax limitation supermajorities are adding economic opportunity at a rate faster than the other States. Job creators understand the stability that tax limitation brings to the economy. Mr. Speaker, the Members of the House today have an opportunity to show that we understand the importance of tax limitation for America's economy and the importance of tax limitation for America's families.

Mr. Speaker, I urge my colleagues to support the rule, to support the bill, to make a stand for American families today and to make a stand for the future of America by putting this new supermajority requirement on the books and in the Constitution.

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

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Massachusetts (Mr. MOAKLEY) for his engagement in this issue on the rule. I urge my colleagues to support this rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SCARBOROUGH. Mr. Speaker, pursuant to House Resolution 471, I call up the joint resolution (H.J. Res. 94) proposing an amendment to the Constitution of the United States with respect to tax limitation, and for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 471, the joint resolution is considered read for amendment.

The text of House Joint Resolution 471 is as follows:

H.J. RES. 94

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill, resolution, or other legislative measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For the purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the Journal of that House.

''SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.''.

The SPEAKER pro tempore. After 2 hours of debate on the joint resolution, it shall be in order to consider an amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from Missouri (Mr. GEPHARDT), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Massachusetts (Mr. FRANK) each will control 1 hour of debate on the joint resolution.

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

Mr. SCARBOROUGH. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SESSIONS) and ask unanimous consent that he be permitted to control the time.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Florida (Mr. SCARBOROUGH) from the Committee on the Judiciary for yielding me the time, and I would like to move into general debate.

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

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

Mr. GIBBONS. Mr. Speaker, today I stand before my colleagues to support this bill. I want to thank the gentleman from Texas (Mr. SESSIONS) for allowing me to speak on this measure and for introducing this piece of critical legislation and bringing it before this body today.

Mr. Speaker, America needs this tax limitation amendment. Why? Well, this year, millions of Americans, hardworking, tax-paying Americans will be plagued by ''intaxication.'' What is intaxication? Well, if it were in the dictionary, intaxication would be defined by a euphoria experienced by getting a tax refund, well, a euphoria which lasts only until one realizes that it was one's money to start with.

This Congress has a duty to make it harder to raise taxes while ensuring a more responsible Federal budget. Why? Because we owe that type of accountability, we owe that responsibility to the hardworking American taxpayer when we take their money.

Let me give my colleagues a little history in my own State of Nevada. In 1994, I helped bring Nevada into the 21st Century with its own tax limitation amendment requiring a two-thirds supermajority vote. Why was that necessary? Because the left-wing liberal Democrats in the House in Nevada would not allow for an amendment to be passed, like they are doing here in this body. As a result, true democracy had to take its course.

I was required to go out and get 85,000 signatures from the people and citizens of the State of Nevada to bring that measure to a ballot where the citizens of Nevada could vote on it. The real democracy, Mr. Speaker, that bill, that legislation passed in Nevada by an overwhelming majority of the voters. In 1994, it received 78 percent of the vote. In 1996, it received 71 percent of the vote as an amendment to the Nevada Constitution, requiring a two-thirds supermajority to increase any State tax or fees.

The Federal Government needs to be put on the same fat-free diet that my home State of Nevada has been on since 1996. We need to make it more difficult to raise taxes on hardworking American men and women, and we need to shift congressional focus to the bloated spending programs of the Federal bureaucracy rather than paying attention to the pockets of the American taxpayers.

Passage of this legislation would ensure that Congress focuses its efforts to balance the budget, cut wasteful spending, and not raise taxes to create unneeded Federal revenue.

Anyone who takes a close look at those States that have this same type of supermajority restriction on raising taxes will find that those States have experienced faster growing economies, a more rapid increase in employment, lower taxes, and reduced growth in government spending.

No additional financial burdens should be placed on America's working family without an overwhelming demonstration of need and support of their elected officials before they raise taxes.

Let us stop the intoxication of intaxication plaguing America today. I urge my colleagues to support this tax limitation amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, in the absence of anything constructive for the House to do, I yield myself such time as I may consume.

To begin, Mr. Speaker, let me congratulate the overwhelming majority of our colleagues, approximately 432 of them, for ignoring this exercise in partisan silliness.

No one believes that this is anything more than a very feeble effort from a party that is having difficulty in presenting a program to try and look like it is doing something. No one thinks this is going anywhere.

We are about to debate an amendment to the Constitution of the United States. Look who is here? At this point, it is now myself and the gentleman from Texas (Mr. SESSIONS). We are here because we have to be here. If one of us was not here, we would have to stop. So the barest minimum number of people possible to keep this farce going are impressed into it.

Frankly, I am a little resentful because we are having a serious hearing in judiciary on the antitrust measure that I cannot be at.

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I notice my Republican colleagues in the Judiciary, understanding this was coming, scripted it better; and they managed to get a Committee on Rules member to sit in so they could all be present at the hearing. The Committee on Rules presumably has nothing else to do at this time.

But now let us get to the proposal. I did hear one Member as I was coming in announced that what we are doing now is what James Madison would have done if he only were as smart as we are. It is true, and it is an inconvenient fact, because we do, as a body, like to pay tribute to the wisdom of the Founding Fathers; and what we are saying here is, boy, the Founding Fathers really blew one. Because this is not some obscure issue. They knew about taxation. They knew about two-thirds.

People make one of the least logical arguments I have ever heard, even in this sort of partisan silliness, when they say, well, the fact that the Constitution calls for two-thirds in some cases shows that it really should have called for two-thirds in this case. What that does is establish that the people who wrote the Constitution knew how to call for two-thirds when they thought the subject required it. They said, in certain cases, it takes two-thirds. They then, obviously, made a deliberate and conscious decision not to require two-thirds for taxation.

Now, to get around that, I did hear one of my colleagues say, well, if James Madison knew what we knew, he would have done what we have done. I doubt it. The evidence that James Madison would have thought exactly as he would have thought seems to me quite thin. What we have, of course, is the inconvenient fact that James Madison, quite clearly, thought the opposite. The people who wrote the Constitution decided that it would be a majority.

And that is, of course, a perfectly sensible thing. We happen to believe fundamentally that a majority of the people, as constituted, and remember the Senate is not that majoritarian, but a majority of those elected from the House on a popular basis and in the Senate on a State basis, make the important decisions. And all of the important ongoing governmental decisions are made by majorities.

Now, what has happened is this. The Republican Party used to be a very majoritarian party in its rhetoric. But they have now discovered, to their dismay, that the majority no longer loves them as much as they thought. This really goes back to 1995 when they shut down the Government and were jeered instead of cheered. So what we now have is an announcement by the Republican party that we cannot trust the majority of the American people, as the Constitution says they should be represented; and for measures they do not like, they need two-thirds.

Now, it is also the case that the Republican Party is offering a procedural objection to taxes instead of a substantive one. For example, the last time we raised taxes, as I recall, was 1993. We did do some tax increases before that under Ronald Reagan and George Bush, but the last time we raised them was in 1993, in the first year of the Clinton administration. And I remember my Republican colleagues objecting because we were raising taxes on middle-income people.

Now, most of the tax increases went there on people making well upwards of $100,000 in 1993, not middle income even by Republican standards; but there was an increase in the gasoline tax and they pointed that out. Well, we recently had a spike in gasoline prices because of OPEC, and I think a failure on the part of the administration to act initially as promptly as they should have, although I think they since have taken some effective action, so one suggestion was let us now deal with that 4.3 cent increase in the gas tax.

The Republican Party had a chance to do that. Where is the bill? The Republican Party, having fulminated against the gasoline tax increase of 1993 had the ideal opportunity to come forward with a reduction in the gasoline tax, and a few of them talked about it. Where is the bill? We did get a resolution threatening OPEC that we might call them names if they did not do some things. I have not seen a bill to reduce that gasoline tax.

The last time we raised taxes was in 1993. They will talk about how terrible it was, but they will not do anything about it. And the reason is that reality has had a very severe impact on the Republican Party and on their ideology. On the one hand, they denounce government; on the other hand, they seek opportunities to increase it.

Now, of course, we have the military budget, the single largest part of the discretionary budget; and it is faith among the Republicans that that is too small. We need vast increases, billions and billions of dollars to increase the military budget. But that is not all. The Republican Party has gone from denouncing the notion of helping older people buy prescription drugs to embracing it. They say there are differences in how much, but they want a new program. The Republican Party is for a new program, which will cost government money.

A couple of weeks ago we took a step that I approved of and that many Republicans approved of, and we put the Federal Government for the first time into the business of helping local fire departments in a systematic way. I am glad to do that, but it costs government money.

My Republican governor was just down here yesterday acknowledging the fact that a major highway project that he and his Republican predecessor thought were very important to Massachusetts would cost a couple of billion dollars more than they thought. That will cost government money.

For much of the time, my Republican colleagues join many Democratic colleagues in talking about increasing the budget of the National Institute of Health, increasing money for transportation, increasing money for the military, buying prescription drugs. We passed a housing bill last week overwhelmingly which talked about how important various Federal housing programs are to help people get homeownership. These cost money.

So in the abstract the Republican Party wants to look like the antitax party. But in particular they want to spend government money, just as many of the rest of us do, for good purposes. So what we get, to resolve that contradiction, is an entirely silly effort. I should not say it is an effort, because no one takes it seriously. We get this gesture to amend the Constitution of the United States and to wrench it away from democracy.

Now, this is not the first time the Republican Party has shown its lack of faith in the voters. We had that previously with term limits. What they said was, those voters, they do not understand. They cannot deal with elections. We have to put term limits on because they cannot understand it. Of course, for many Republicans the idea of term limits in the abstract was far more attractive than the idea of term limits in the particular, because among the people who will be voting for this constitutional amendment today to limit the electorate's ability to call for a tax increase will be people who will be defying their own pledge to limit the electorate's ability to reelect them. They have decided that does not work.

So we have what is, finally, fundamentally, a notion that democracy is flawed; that in this country the compromises they made about majority rule for the Senate, for instance two Senators per State, that was not enough; that we have to go further and make a very drastic change in the basic structure of government and say that when it comes to deciding how much money should be spent for public purposes and how much for private purposes, majority rule does not work.

Now, one last point. We hear this remarkably foolish notion that there is a dispute between the money that goes to the Government and the money that goes to the people. But all the money belongs to the people. The people understand, and the Republican Party has been forced to acknowledge it, that there are some purposes very important to the people that they cannot accomplish unless they do them jointly.

A tax cut putting money in individuals' pockets does not expand airports. A tax cut putting money in individuals' pockets will not solve the problem of putting more police on the streets or aiding local fire departments or increasing medical research through NIH. That is, there are, in a civilized society, some very important purposes that can best be accomplished by individuals spending their own money personally, and that is what the market generates, and that is a good thing; but there are also important purposes, particularly in a complex urban society, that can only be done jointly. And that is why we come together through government to deal with the environment, to deal with public safety, to deal with elderly people and other people's children who will not themselves be able to make it.

What this is is an announcement that democracy does not work; that the fundamental scheme of government adopted in 1787 in the Constitution is flawed; and, therefore, it has to be changed.

Fortunately, as the dearth of Members in this Chamber shows, no one takes it seriously. It is a political gesture put forward by a party that has no substantive legislative agenda. And I guess, given that, this is as good a way to kill time as any.

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

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

I do appreciate, Mr. Speaker, the gentleman from Massachusetts pointing out, in his view, how this is just wasting time and it is the majority party that has nothing better to do. I want the gentleman to know that that is an argument that we hear over and over and over and have heard this over and over and over. This is what we would be led to believe about a balanced budget; whether we would have a balanced budget or not. The other side simply said there is no need for a balanced budget. America is great. Things are headed in the right direction.

Well, it was the Republican Party that brought forth not only the ideas but had the conviction to make sure that we would continue to talk about a balanced budget, even when there were people who believed it would never, ever happen.

I recall Senator FRITZ HOLLINGS, who is a marvelous Senator in the other body, stated that if we ever had a balanced budget by the year 2002, he would take a high dive off the top of the capitol. A high dive. It will never happen. There will never, ever be a balanced budget. That is what we were told on the other side.

We were told about welfare reform that welfare reform should never happen because welfare reform would put millions of people out in the streets and babies and families sleeping on sidewalks. Well, lo and behold, we had welfare reform, and we had welfare reform Republican-style that is so successful that even President Clinton calls it his own package today. Welfare reform that has led to not only changing behavior of people who had been on welfare for generation after generation, but welfare reform that has led to a 47 percent reduction in the amount of people who have had their hands out.

Instead, we have found jobs available because the Republican Party had the presence of mind to fight those who said we would never have a balanced budget; we would never have an economy where we could employ all the people who were on welfare.

And about IRS reform, they said, oh, there is nothing wrong with the IRS. The Tax Code is great. We love that. That is the Democrat Party mantra: no problem with America. We need to keep it the exact same way that we have got it today.

Well, it was a few voices in the Republican Party, who are still alive and well today, and with more than enough votes to pass these bills, with more than enough votes to talk about our vision for America, that want to make it more difficult to raise taxes in America.

Oh, my colleagues may say, the Constitution should address this. Well, we did not even have any tax bills; we could not even tax until the 16th amendment, until 1913. What happened in 1913, when we began taxing in America? The IRS looks entirely different than it does today.

Why today do we need this? We need this two-thirds tax limitation because we need to make it more difficult to raise taxes. We, today in America, are at a precious time in our history. The precious time is that the Republican Party has made it possible as a result of the balanced budget, when the other side said no and it was a silly idea, the other side said welfare reform is a silly idea and we should never have it, the IRS Tax Code reform the other side said was a silly idea and that we should not do it. That is what has unleashed the power of the American energy.

And it is called the free market system; men and women who go to work every day, who are making America work; and yet even today, when we have a surplus, our President has proposed a $96 billion tax increase in the year 2000. That is why we need to make sure that it requires two-thirds of this body and two-thirds of the Senate to say, yes, President Clinton and Vice President GORE, we want your ideas, we want to raise taxes by $96 billion.

Well, I am sure we will hear it said over and over about what a great plan the President's budget is; that President Clinton has the best budget, great for everybody; yet not one Member of this body would even sponsor the President's plan. Not one person would sponsor the President's budget. There is a reason why. There is a reason why today we are on the floor of the House of Representatives to say that we need to make it harder to raise taxes in America.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. KLECZKA) be allowed to control the time on this side.

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

There was no objection.

The SPEAKER pro tempore. The balance of the time on the minority side will be controlled by the gentleman from Wisconsin (Mr. KLECZKA).

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the bill, and thank the gentleman for yielding me this time. I associate myself with his remarks because he is right on target.

I want to put a few things down on the RECORD. In 1899, the Director of the Patent Office said "Everything that can be invented has been invented."

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In 1905, President Cleveland said, "Sensible and responsible women do not want to vote in America."

Lord Kelvin, President of the Royal Society of England, said, "Heavier than air flying machines are impossible.''

In 1927, Harry M. Warner, Chief of Warner Brothers Studios, said, ''Who the hell wants to hear actors talk?''

In 1968, an engineer at IBM said, ''As far as computer systems are concerned, what practical use will they really have?''

In 1977, the chairman of Digital Equipment Corporation said, ''There's no reason for anyone to ever want to have a computer in their home.''

In 1987, the Western Union internal memo said, ''The telephone has just too many shortcomings. Don't give up on our system.''

Edwin Drake said, ''People are literally going to drill in the earth to try and find oil?''

The big one was Dr. Lee DeForest. He said, ''Man will never reach the moon. Never.''

My colleagues, about the only thing I can say in my short speech is this: I tried to change the burden of proof in a civil tax case and required judicial consent before seizure; and I could not get it done for 10 years, the Democrats would not hold a hearing.

I want to thank the Republicans for not only holding the hearings, I want to give my colleagues the facts. In 1998 was the IRS reform law. In 1997, the last year, the old law. In 1999, the first year, the new law.

Now we compare them. In 1997, there were 3.1 million attachment of wages and bank accounts. In 1999, 540,000. Property liens in 1997, 680,000. The new law, 1999, 168,000.

But listen to this. The American people should be listening carefully. Requiring judicial consent before the IRS could take their home or their farm or their business, that the Republicans put my language in, in 1997, 10,037 Americans lost their homes, farms, and businesses. In 1999, 161. From 10,000 from the back room to 161 when the burden of proof was on the Government and had to have judicial consent.

Do I support this bill? Does a bear sleep in the woods?

I think we should mandate a two-thirds requirement before we continue to gouge and raise the American people's taxes, to boot, let an agency become so powerful an IRS employee would not testify unless she was behind a screen so we could not see her, with a voice scrambler so we could not identify her voice, and a guarantee her family would not be hurt.

God almighty.

Finally, let me say this: I think our Tax Code should be thrown out with a flat 15 percent, true 15 percent national retail sales tax. I will be testifying on the Tauzin/Traficant bill at 1 o'clock myself. It will ultimately be the tax scheme in America.

I think the Democrats, although they do not want to hear this, should get on board because they are getting moved further and further out of the picture, they are not being very progressive.

So I want to thank the chairman for the time. I believe his comments are right on target. I want to thank the Republican party for putting the Traficant burden of proof language in the reform bill and the judicial consent language in the reform bill, and I want to thank him on behalf of all Americans whose homes, farms, and businesses were not stolen.

Mr. KLECZKA. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to Joint Resolution 94. I will attempt to make my points with logic rather than volume.

This is the fifth time the House has taken up this particular constitutional amendment. It seems that since the Republicans have taken over control of the House, we have had over 100 constitutional amendments introduced.

When we are sworn in every 2 years in January, we swear to uphold the Constitution and nowhere do we say we come here to rewrite the Constitution.

Let us look back and see why the Framing Fathers put into the Constitution only three instances where a two-thirds vote would be necessary to take any action in the Government.

One was to change the Constitution. They thought it was a very, very important, sacred document and much thought should go into changing the various articles of the Constitution and, if we intend to do that, let us do it by a two-thirds vote.

They also provided that, if we were going to expel a Member from the House, one who was elected by a majority, I should add, of the people from his or her district, that should be done by a two-thirds vote.

The last and only other instance where they provided for a two-thirds vote was overriding a presidential veto. And here again, the bill that got to the President got there by a majority vote of both houses; and if, in fact, we are going to disagree with the President's objections, that we should do it by more than a majority. And so the Framers indicated at that point, let us call for a two-thirds vote. Only those three instances.

James Madison wisely observed in the Federalist Papers, supermajorities would reverse the fundamental principle of a free government. And he said, ''It would no longer be the majority that would rule. The power would be transferred to the minority.'' Let me repeat that. ''It would no longer be the majority that would rule. The power would be transferred to the minority.'' And how correct he is.

For almost all actions in this House a majority vote is required. A majority vote is required to give tax breaks at times to those large and very vocal corporate citizens who do not deserve them. Those tax breaks, my colleagues, if this were to pass and become part of the Constitution, would only require that a minority could stop closing that loophole. And the reason why is because, under that situation, to close a tax loophole of, let us say, a foreign corporation operating here but transferring the profits to a foreign land to avoid taxation, if we were to close that loophole, it would take two-thirds. More importantly, it would take a minority to stop it.

That is what this is all about, my colleagues. This is not to prevent willy-nilly tax increases to be placed upon the American people. Know full well that all of us in this Chamber and the Senate take that very seriously and it is done at times when it needs to be done. And if it is done without need and necessity, every 2 years we face the electorate and they will let their views be known.

But for the Republicans to once again try to tamper with the Constitution to provide a two-thirds vote for changing the tax laws in this country and not to provide that same two-thirds vote to close loopholes, which has the effect of bringing in more revenue, loopholes which are unwarranted, which happen all too often in this House, for that they could stop it with a small minority.

This constitutional amendment is not wise. It should not be supported by the House. If the taxpayers object to any tax action by the Committee on Ways and Means that I serve on or action by the full House, they will let their views be known. Let no one be kidded about that.

The gentleman who is controlling time on the other side indicated the great things we did with the welfare reform. But I should point out to him and to the other Members in the Chamber, if there are any, which there are not, that that was done with a majority vote. And if, in fact, that was so important, why do they not provide for a two-thirds vote for actions of the House dealing with issues like welfare reform? I would say that would be ridiculous. Because the stated principle of this country is majority rules.

In the House Rules, when the Republicans took over in 1994, they provided a supermajority, 60 percent, to pass any tax increases. That is in the House Rules today, the rules that govern our activity in this Chamber. And every time that has come before the House, every time legislation has come before the House to raise taxes, and we have had it in H.R. 2491 in 1996, in H.R. 2425 that same year, we have had it again in 1996 in H.R. 3103, every time those increases came before us, the Republicans waived the House Rules.

By waiving the House Rules, they cast them aside. We do not look at them for that action. So consistency is not one of the Republican virtues evidently. But, nevertheless, this constitutional amendment is ill advised and it should not be supported by the Members of the House.

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

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

Mr. Speaker, I really do appreciate the minority pointing out all the wonderful things that my party has done: a balanced budget, welfare reform, IRS Tax Code reform. These were not tax increases that required a supermajority. They were tax decreases and things that would increase not only the efficiency of America but bring more freedom for people.

I also would like to thank the gentleman from Ohio (Mr. TRAFICANT), a Democrat, for his bipartisan effort to ensure that not only the people of Ohio but the people of this country understand that this is not a Republican or Democrat issue, this is a simple matter: Do we want to make it more difficult to raise taxes on American citizens? Do we want to make it more difficult for America to have to pay more taxes? Do we want to raise the bar to a level that would say this is not about willy-nilly tax increases, this is about something serious because it comes right out of their pocket?

Mr. Speaker, I yield 5 minutes to the honorable gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I rise before the House today to urge my colleagues to support this tax limitation amendment, an important joint resolution that will help rein in creeping big government.

To listen to the minority, we would think this is some radical idea that is just from outer space. The fact of the matter is, this is a good idea that has come to us from States around the country, as so many of our good ideas and reforms that we have been trying to implement at the Federal level do. It is not a radical idea. It is an idea in practice in many States across the country, including my State of Louisiana.

States, particularly in recent years, have approved all sorts of restrictions on the ability of their legislatures to raise taxes. Voters in these States have agreed with this overwhelmingly. They have responded with overwhelming margins in terms of passing constitutional amendments to heighten the bar, to raise the bar, to limit State legislatures in terms of their ability to raise taxes, make it harder for State legislatures and local governments to increase taxes.

The tax limitation amendment on the floor today embodies these principles and this common practice in many States. I said it is in practice in Louisiana. It has been for some time. We require a two-thirds vote of the legislature to raise taxes. That is not a new idea. It has been in practice for many years.

When I was in the State legislature over the past 7 years, we went a step further and we adopted the same rule to even raise what can fairly be categorized as fees. So we put the same two-thirds vote burden even in terms of raising what could be fairly called a fee versus a tax. And again, this is not a radical idea. It has been in practice, and it has worked.

Now, some on the minority side would say, well, this is unfair because it tilts the playing field, it favors tax decreases, which would require a simple majority, and disfavors tax increases, which would now require two-thirds majority.

Let me be very direct about that point. You bet it does. That is why I am for the proposal. This is a good, solid reason behind the proposal, in fact, to tilt the playing field because we have an unacceptably high level of taxation in this country. What this vote will largely be about is our level of taxation, the highest in peacetime ever. Is that reasonable? Should we rush to increase it? Or is it reasonable to say that should be the limit, and we should try to go down from here?

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So when Democrats take to the floor and say we are creating a bias against new taxes, we are creating a bias for tax cuts, I say amen, yes, we are. That is a large reason I am for this proposal, and I think it is very interesting and instructive that that is the reason many Democrats will oppose it, and that is the reason many Republicans, certainly including me, will speak for and vote for the proposal.

We also have to recognize that this is not being done in a vacuum. This is not being done in some era of historically low taxes. It is being done in a very specific context, an era of the highest peacetime tax burden on American working families in history. That is something we need to face and work toward reversing, the highest tax burden peacetime on American working families. In that context, is it not fair to say we are going to put this two-thirds vote into effect to not raise taxes?

Finally, one of the most important things this tax limitation amendment will do is to help bring this body together, to help bring the American people together and achieve solid consensus on a very important question of raising taxes. All too often very important measures like tax increases are passed by the slimmest of majorities. That really fractionalizes our House and the American people in the national debate over these questions. Should something as significant as increasing a historically high tax burden even further not require a solid consensus? Should that not require a supermajority? Will that not be good for our national debate and our body politic? I think a two-thirds majority should be required, I think that would be good for this institution and for the body politic and for the debate around the country so that we only do that when we have a solid consensus in favor of it.

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

The real reason we are here today debating this issue is that this is an election year and we need a rollcall. We need a rollcall on who supports increasing taxes with a two-thirds vote. To prove my point, I ask the Speaker to look around the Chamber. Here the House is involved in doing one of the more important, if not the most important, functions that we were elected to do; and the interest level is so high, no one bothered to come. Of the hundred or so authors of this amendment, they are not lined up to come and defend it. They know as well as you know, as well as I know, this is for show.

Like the swallows coming back to Capistrano, this constitutional amendment is here because it is an election year. I ask my friends, where is the constitutional amendment to provide a two-thirds vote to decrease Social Security benefits that millions of Americans depend on? Where is the constitutional amendment to require a two-thirds vote to cut Medicare? Where is your constitutional amendment to provide a two-thirds vote to cut education funding for our kids? That is not here, and it ain't coming here because that we can do by a majority vote. But we need two-thirds to lock in tax loopholes for some people's corporate friends. That is what this is all about.

Mr. Speaker, I yield 7 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 listened to my good friend from Wisconsin, and he is wrong. They have not just done it in election years. They have brought this thing out here every year at this time. This is an annual event. It really is like the sparrows, or swallows. Is it swallows or sparrows?

Mr. KLECZKA. Swallows.

Mr. MCDERMOTT. We have got to take this seriously, do we not? These guys really worry about somehow the money getting away from us, that it is somehow flowing out. They have been in control for 5 years. When they came in, they passed a House rule that said that if you are going to do anything with taxes, it took a two-thirds vote, a three-fifths vote or whatever it was.

It did not make any difference, because every time it came up, they waived the rule. They waived their own rule. They said it is going to take this much to pass any tax increase. But whenever they wanted to do it, they waived the rule and said we will do it with a majority. They did it so many times in the first session, the first 2 years they were in power, that the next time they came in, they said, well, let us revise the rule and make it really meaningless so that it only affects two or three little parts of the code. That way we can put any tax increase we want over here by a majority rule and in all the rest of the Tax Code. We protected these couple over here.

They could not even comply with that in a bill that the President vetoed last year. This is not a serious event. As I said yesterday, what you really need to do is figure out looking at the calendar what holy day is it or what saint's day is it or what holiday is it or what important day is it for Americans and you will figure out what the Republicans are going to bring out on the floor.

When it was St. Valentine's Day, we brought out the valentine for everybody, the marriage tax penalty bill passed here; and everybody got a valentine from the House of Representatives. It has not passed the Senate. It is probably going to pass maybe sometime in the future, but nothing has happened to it since. We have not heard a word about it.

Now we are down to tax day. We get a rash of bills yesterday, the taxpayers' bill of rights, and now we have got this thing out here for a supermajority on raising taxes, because they know people are thinking about filling out their income tax, all of us are doing it; and they know that people are worried or think they are paying too much or whatever, so let us go out there with something that will stir the people up, and we will show them we really care about taxes. But when it gets dark around here and they have to do something, they immediately waive all the rules and slide through stuff all the time.

Now, the thing that I keep wondering about, I was looking at my calendar last night trying to figure out what day are they going to bring the Patients' Bill of Rights out here. You have got all the people in this country, all the polls show they want something that passed the House, passed the Senate, been sitting in a conference committee, they want something that puts the control of their health care back in their doctors' and their own hands, not the insurance companies.

Any poll you run out there will be 80 percent for doing something about the Patients' Bill of Rights bill. But I cannot figure out what day it is going to be. I thought maybe Fourth of July; that would be freedom from insurance companies. I do not know how they are going to construct this, but they will find a day that that fits. The next question I have is what day are they going to bring out the prescription drug bill for seniors? There must be some day. It would not be Labor Day, I guess. Memorial Day maybe. That is it, Memorial Day. They will come out with it because they will think people want to memorialize old people. I do not know how they are going to do it.

If you would not waste so much time on this kind of nonsense and would come out here and deal with the issues that really affect American people, you would be able to get somewhere. But this kind of thing, we will take the vote. As I look around the floor, there are four of us on the floor right now, out of 435. It is a big issue, folks. You can tell how much people really care about this. One hundred of them sign it and they will not even come over and talk about it. I guess they are kind of ashamed of the foolishness of it.

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

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

Mr. KLECZKA. Mr. Speaker, we have a sad situation in this country where American citizens are renouncing their citizenship, taking their wealth to foreign countries in a very, very obvious attempt to avoid any taxation. If, in fact, this constitutional amendment would prevail and be ratified by the States, what would the effect be on American citizens renouncing their citizenship and us trying to stop that outflow for tax avoidance?

Mr. MCDERMOTT. We would have to have a two-thirds vote in here to get anything done. We could not do it by the majority vote. A minority of people, 33 percent of the people in this House could stop that from happening. We could never correct that. The gentleman just points out one of a million problems with this. But it is obviously not a serious effort. It is going to go down here very shortly because most people realize that it is just for show. And when the day comes, I believe it will be about the 7th of November, you will wish you spent your time on the floor working on the Patients' Bill of Rights and prescription drugs and financing for schools and a whole raft of other real issues.

This is not a real issue. If it were, you would not waive your own rule every time you bring an appropriations act out here. You have broken every single point of order on putting caps on expenditures. Every single one has waived the caps. The ability to constrain spending is in your own hearts; and now you want to come out here and say, well, this is what we do. The Bible says, by your deeds you shall know them. And, in fact, your deeds say this is nonsense. Everyone ought to vote against this.

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

Never has there been a more logical explanation to understand the differences between the two parties. The Democrats today in the minority stand up and say things that take time, ideas that take time to mature are bad ideas, like raising the earning limits for seniors that took 30 years before we could get that done. A balanced budget, 30 years of Democrat control to where we had $5.5 trillion worth of debt in this country. Welfare reform. Bad ideas. These are the same words we hear over and over and over again. IRS Tax Code reform. Silly. Who would want that? I am pleased to say that the Republican Party wants it. I am pleased to say that people back home want it. I am pleased to say that today what we are doing is very important for people who understand that it is too easy for Congress to raise taxes. I am proud of what we are doing. It may take us 20 more years; it may take us 5 more years. But I will tell you that it is the right thing to do.

The speaker before talked about people leaving this country, leaving this country because they do not want to pay taxes. That could be true. I think it is that they realize they have got to pay too much in taxes. The things that they had worked hard for all their life, that they then could sit back and enjoy life is being taken from them by a tax code, an unfair tax code, the threat of a Congress raising taxes to take more and more from people who had earned the money.

That is why people are leaving. They are not leaving because it would be more difficult to raise taxes. They are not leaving because they are concerned about somebody taking less of their money. They are concerned about someone coming and taking from them what they have worked hard for.

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This is an important issue. This is a defining issue in Washington, D.C.

Mr. Speaker, I am very, very proud and pleased to yield 5 minutes to the gentleman from Farmsville, North Carolina (Mr. JONES), a member of the Committee on Banking and Financial Services.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Texas, and also I rise in strong support of this tax limitation amendment.

Mr. Speaker, I am like most of my colleagues, both Republican and Democrat; when I go back to my district, I do a lot of speaking at civic clubs, I hold town meetings, and probably the most important thing that I can say is that, like all of my colleagues on both sides of the fence, I listen to the people I have the privilege to serve.

I can tell you that in the Third District of North Carolina, and I believe throughout this country, the majority of the people that pay taxes believe that they are overburdened with a tax system and with taxes coming from Washington, D.C.; and many of these people throughout this country and throughout my district feel that too many times those in Washington, D.C. on both sides of the aisle really are not listening to them.

I think that when we are today debating this issue, I am like the gentleman from the other side, I wish there were more people on the floor, and maybe during the day there will be others on both sides of this issue coming to the floor, but I think today what we are saying to the American people is that we are listening to you.

As the gentleman from Texas (Mr. SESSIONS) said, yes, maybe it will take 2 or 3 more years, but the point is, yes, you are right to talk about Social Security and these other issues, we do need to be debating these issues and need to try to find solutions to problems. But I will tell you that one of the problems is that the American people are overburdened with taxation.

I have to say, being a former Democrat who became a Republican, that I believe sincerely that it has been my party that has started these debates on the floor. It has been my party that has introduced legislation, and sometimes in a bipartisan way that we have passed legislation, to bring tax relief to the American people.

I think today this is a unique opportunity to talk about this tax limitation act because, Mr. Speaker, when we talk about amending the Constitution and creating a two-thirds majority to pass tax increases on the American people, we are basically giving it back to the American people through their legislative process to say yes, we want an amendment that will protect us and protect our families.

Mr. Speaker, the four largest Federal tax increases in the last 20 years would have failed had this amendment been in place. I think that is worthy to be repeated.

The four largest Federal tax increases in the last 20 years would have failed had this amendment been in place.

Mr. Speaker, most recently, in 1993, President Clinton and a Democratic Congress passed the largest tax increase in America's history. Now, I do not know if that would have passed or not, I doubt if it would have, if this had been in place.

Mr. Speaker, we always are saying, both sides of the aisle, that this is the people's House, that we are the people's representatives. Well, I think we need to listen to the people, and the people in this country are crying out for relief. They do feel and I feel also that they are overburdened.

I think the citizens of this country have a right to know when the House is debating a tax increase and that we need to debate it on the floor of the House, and I think a two-thirds majority of both sides voting to bring relief for passing a tax increase on the American people is extremely important.

In my opinion, Mr. Speaker, Congress should never seek to raise taxes on the American people without a two-thirds majority. That, again, is my philosophy. Some will agree, some will disagree.

Mr. Speaker, in closing, I want to read a quote from former President Ronald Reagan from his 1985, I believe, State of the Union address. I am going to repeat it after I read it one time.

Mr. Reagan said, ''Every dollar the Federal Government does not take from us,'' meaning the American people, ''every decision it does not make for us,'' meaning the American people, ''will make our economy stronger, our lives more abundant, our future more free.''

Mr. Speaker, I sincerely believe that those words by Mr. Reagan fully explain why and how so many people throughout this country feel that too many times the United States Congress is not listening to them, no matter what the issue might be, whether it is taxes or another issue. But when it comes to taxes, Mr. Speaker, I can honestly say it is the Republican Party that has brought these debates on the floor to bring relief to the American people.

Mr. Speaker, I want to quote Mr. Reagan again. I am going to quote Mr. Reagan when he said, ''Every dollar the Federal Government does not take from us,'' us, the American people, ''every decision it does not make for us,'' the American people, ''will make our economy stronger, our lives more abundant, our future more free.''

Mr. Speaker, if we are truly the people's House and the people's representatives, then we need to pass this amendment.

Mr. KLECZKA. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, in the interest of historical accuracy, I was going to ask if President Reagan said that when he signed a big tax increase in 1982, which he deemed necessary for economic purposes, or when a couple of years later he signed another significant tax increase which raised Social Security taxes? Those were two tax increases President Reagan signed. I do not think either one of them got two-thirds, so they might not have been passed under this. I wonder whether Mr. Reagan said that when he was signing those two very significant tax increases. I voted against both of them, by the way.

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

Mr. Speaker, I should point out that the framers of the Constitution provided that Congress shall have the sole power to declare war, and under that constitutional provision a majority, a majority, of both Houses is required. If, in fact, there was a need to amend the Constitution to provide for a two-thirds vote, surely do not you think a declaration of war, and not taxes, should be the item that we would be debating today? Do you think a declaration of war is less important than the tax issue of this country? I think not.

Mr. Speaker, I yield 9 minutes to the gentleman from Texas (Mr. DOGGETT).

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

Mr. Speaker, I believe the American people have come to realize that every spring about this time, as sure as daylight savings time going into effect and Easter and Passover coming along and kids anticipating their graduation from school, that it is tax time on April 15, and what they can expect is the same old complicated Tax Code. But they can be reassured that Republicans will be out here talking about it.

All those American citizens that are out there now working on their tax returns may not find a great deal of reassurance that after 6 years in office, all that our Republican colleagues, after 6 years of holding control in this House, all that our Republican colleagues have to offer this morning is the same old recycled speeches they have been giving and the same approach for the last 6 years.

I remember in one of the earlier sessions, I think it was back around 1995 or 1996, some fellow came out here and brought the whole Tax Code. I think if he had piled that thing end to end it would have reached up there to the clock.

Well, what have the Republicans done for the ordinary taxpayer that is out there struggling through their returns to simplify that code? Well, today, after 6 years of Republican leadership in this House, it probably now stretches above the clock, because they have added an additional 100 sections more or less to the Tax Code. Instead of dealing with issues like simplifying our Tax Code and making it fairer and more equitable to the ordinary middle-class taxpayer, they have recycled whatever speech and proposal they considered at their last political convention. So this is the second, third, maybe more years in Congress that we have had this same sorry proposal out here to consider.

Now, if you are out there working on your return and you are happy, and you think that a Tax Code that stretches up to the clock and beyond under Republican leadership is great, that it is fair, that it is equitable, that everyone in our country, from the very largest corporations to the person who is down at the lower end of the wage scale that is figuring out a fairly simple tax return, if you think they are all being treated fairly; if you think there are no special interests that come to Washington and get special loopholes written into the Tax Code so that they can dodge taxes, so that they can come close to cheating on their taxes under the system; if you like every aspect of the system that we have now, plus the additional 100 sections that the Republicans have added to the Tax Code, today's proposal is a perfect proposal for you. Because what they are seeking to do with this old recycled, retread proposal that they drag out on the eve of tax-paying day every season, what they are seeking to do is to freeze into place the code that we have today. So if some lobbyist has come to Washington and they have written themselves in a special loophole for their special interests because they had the longest limousine and the biggest political action committee and the most effective lobbyist, well, their provision will be frozen in unless we can get not only a majority of this Congress, but two-thirds of this Congress to come forward and stand up to the special interest group, which we could not get a majority to do in the past, but we have now got to have two-thirds.

So if you like the system we have now, if you like all the loopholes and the special interest provisions, you ought to be supporting this proposal. It will freeze them in forever if this retread proposal were actually designed and put into place in our Constitution.

If you think we need significant change in the way our system works, well, then I would think you would be strongly opposed to this kind of approach.

Now, over the course of the last 6 years we have often heard the same people who came out and piled up the Tax Code tell us that they disliked it so much that they were going to just grab down there and pull it out by the roots. That is a good applause line at the kind of convention that considers these old retread proposals like we have up here this morning.

Well, they have been in office 6 years, and they had a hearing on pulling the code out by the roots back in 1995. As I speak, there is another hearing going on. There has been no proposal advanced for a vote over that 6 years in the Committee on Ways and Means to pull it out by the roots. There has been no proposal presented even this week after 6 years of the Republicans being in charge here in the House. I think they cannot figure out which root to pull out, where and what new roots to put down to replace it.

So, instead, they keep coming up with the same old retread proposals, that if we ever made the mistake of actually adopting them, would only make the system worse than it is today and would assure that we could not get change in the system.

Mr. Speaker, there are some specific proposals that some of us have been advancing to try to address inequities in this Tax Code. What has been most I think indicative of the kind of problem we have today is that Republican leadership would rather focus on these meaningless retreads, instead of focusing on real issues, such as the way that corporate tax shelters manage to avoid what many have estimated is $10 billion a year in taxes and closing that up and seeing that they get treated the way that middle-class taxpayers get treated. The Republican leadership has said there is no need to address corporate tax shelters.

The situation is so bad that it has made the front page of Forbes magazine. This is not some strange off-beat journal. This is the magazine that calls itself ''the capitalist's tool.'' They wrote about the problem of tax shelter hustlers, describing on the magazine cover this fellow in the fedora, ''respectable accountants are peddling dicey corporate tax loopholes.'' Ten billion dollars a year is the estimate of lost tax revenues from tax shelters.

And the response of the Republican leadership, when they could be out here today doing something about that, is to squelch any real reform. The chairman of the Committee on Ways and Means and the Republican majority leader are saying that tax avoidance is about as American as apple pie, and encourage the continuation of this kind of misconduct.

The Secretary of the Treasury, Mr. Lawrence Summers, has suggested that this is the most serious compliance problem that we have in America today, this problem of tax hustlers. It is usually some former employee here on Capitol Hill that goes out to work for some big accounting firm, and they make a fortune selling and teaching people how to dodge, cheat, join in on tax scams.

And I think it is an outrage. I think it is the kind of outrage that has grown to such a substantial extent that we now even have the lawyers that represent some of the corporations that are dodging their taxes coming before the Congress in the form of the American Bar Association tax section, the tax section of the New York State bar, and urging us to do something. They recognize what a do-nothing Congress this is and how it will not respond, and they come forward and say ''please address this problem.'' But this Republican leadership has retreads like this instead.

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

Mr. DOGGETT. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I have a question. I am on the Committee on Ways and Means with the gentleman, and I do not remember us ever having a hearing on this.

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I do not remember us ever having a hearing, have us ever come and testify about this. To the best of my knowledge, there has never been a hearing in the Committee on the Judiciary.

Mr. DOGGETT. On this particular amendment?

Mr. MCDERMOTT. Yes, on this particular amendment.

Mr. DOGGETT. They had a hearing at their political convention on it, so they really do not need to have substantive hearings on it, because this is a political gimmick. It is a gimmick, not really a serious proposal about how to resolve the concerns American taxpayers have.

Mr. MCDERMOTT. So when they put the sham together, they do not even bother putting the dressing around it and having a hearing?

Mr. DOGGETT. I think that is right. In other words, most proposals dealing with the Tax Code would bring in the experts; would do the kind of thing that I sought to do with these tax shelter hustlers, bring in the academic experts, the people out in the field, as well as just some ordinary citizens from across the country, to point out what an outrage this is.

But on this proposal, this has been more of a political gamesmanship kind of thing. They have not had a hearing because I guess other than recycling this old political rhetoric, there really would not be much to hear.

Mr. MCDERMOTT. That is why we call it a retread. It has been through here, and they are trying to do it again. I think we will see it next year.

Mr. DOGGETT. Next year we will have substantial change. I believe that next year, since this particular Congress once again will not even honor the recommendations of its Joint Tax Committee to address corporate tax shelters, ignores the recommendations of the Secretary of the Treasury that this is the biggest tax compliance problem we have in America today, ignores the estimates that $10 billion a year is being lost in these cheating tax dodge schemes, I believe the next Congress is going to have enough new Members that people will say, enough is enough. We have had 6 years of do nothing, do little, avoidance of these problems.

Just as these kinds of folks encourage tax avoidance, we have had a leadership that has problem avoidance. They want to avoid the problems. I know it appeals to the same special interests that get these tax shelter hustler proposals.

But I believe the American people that are out there working on their taxes, certainly everybody would like to pay less, but they would like to at least be sure that other people are being dealt with fairly. Clearly these people are not dealing fairly.

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

Mr. Speaker, here we continue with the wonderful debate, which is what this amendment is all about, an opportunity for us to debate in the open, on the floor of the House of Representatives, the question of whether we are going to make it more difficult for Congress to raise taxes, raise taxes on the American taxpayer or not. It is a question of whether Washington, D.C. is going to make it more difficult to raise taxes or whether we are going to keep the status quo.

My colleagues on the other side of the aisle once again talk about all the things that this Republican Congress has not done, all the things that we have had an opportunity to do. I would remind my colleagues that, in fact, these same words were said about a balanced budget.

I remember running for Congress back in 1994, and people were saying to me over and over and over again, We will never have a balanced budget. It will never happen in my lifetime.

Well, there were people who did believe it. The naysayers who were there today are people who understand that this economy that we have in America, the opportunity, the growing economic development that we have, jobs in communities, schools that are producing not only brighter and better students but students who have technology at their fingertips, this is a part of what happens when we have a grand and bold idea, an idea that has always on the other side been talked about in negative ways: It would never happen. A balanced budget is silly. No need to do that.

Welfare reform, the same way. We talked about welfare reform on the floor of this House of Representatives, and day after day after day it was the other side, it was the minority party, who said, we do not need welfare reform. It will not amount to anything. As a matter of fact, it will harm the children of America.

IRS Tax Code reform. We hear the gentleman from Texas say that the Republicans have done nothing with what they had. In fact, what we have done is done things that are for the taxpayer: A $500 per child tax credit, a $500 per child tax credit that matters. Every single time an American who has a child goes to fill out their tax form, they get a $500 per child tax credit. It is going to happen again this Saturday as Americans are filling out their forms, they will get that.

Cutting capital gains. We heard, Cutting capital gains? A dangerous, risky proposition. We should not do that. Mr. Speaker, I would submit that the 1997 capital gains tax cut that Republicans voted on and supported that was signed by the President has meant that America has a booming economy.

Oh, the minority said, do Members realize that the tax collector, the United States government, will have $9 billion less in their coffers? Well, once again the minority party is concerned about the tax collector. It was the Republican party who was concerned about the taxpayer.

What happened? What happened was that the tax collector got $90 billion additional dollars in the Treasury, just like Republicans, through the leadership of the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, said that we will make a substantial investment in America because we are going to lower the risk. We are going to encourage people to participate in that which we are doing. We are going to take people and move them from welfare to work. We are going to enrich communities because we are going to allow dollars to be invested in America.

Oh, but there is more. This Republican do-nothing Congress raised the exemption for death taxes. That is not do-nothing, that is a realistic opportunity for people upon their death to know that their estate, instead of being broken up and splintered to the wind, thrown to the wind, and family businesses, small businesses and land, agricultural producers of food for not only this country but the world being broken up just because of a Tax Code, we heard, Oh, no, cannot do that. Bad idea. That is for rich people.

The education savings accounts, it was the Republican party who stood up against the naysayers of the Democrat party saying, This is bad for America, it is bad for public education to have education savings accounts.

Mr. Speaker, I will tell the Members that as the father of two little boys, one who is a 10-year-old who is a straight A student, who has taken advantage of books and education and computers and technology, the opportunity for him to be no different than other children who want to learn and read, for parents who get up and go to work every day and work hard to save money for that education for that child is important; also the parent of a 6-year-old Downs syndrome little boy, which my wife and I are, I know that our son needs more investment in not only his education but his development, just to make sure that he can stand on his own two feet and have an opportunity to make a go of it by himself.

That is why we offer the education savings account. That is why we cut capital gains. That is why we had a $500 per child tax credit. That is why we raised the exemption for death taxes. That is why just 2 weeks ago this House voted 422 to nothing on what had been controversial years before, to say we should raise the earning limits for seniors. We should not deny senior citizens who choose to work, which allows them not only to be in business but also to be healthier and happier, not to lose their social security because the Tax Code said that was the right way.

I am proud of my party. I am proud of my party and people back home and groups that will work to say, We need to make it more difficult to raise taxes. We need to make it more difficult, and it is a simple matter. That is what this amendment is all about.

I will confess, we may not get the amount of votes that we need today. We will get a majority of the votes, but we will not get enough. But the dream lives on forever. We intend to continue with this. Yes, it is done at tax time. It is done at a time when people understand that there is a voice, not a voice in the wilderness but a voice on the floor of the House of Representatives, the people's body.

We are going to get 240 votes on this today. We are going to stand up and talk about how it should be more difficult to raise taxes. I am proud of what my party stands for. I know what the other side stands for.

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

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

Mr. Speaker, I find it kind of intriguing that the Republicans are trying to rewrite history, for if we go back to when this administration took over, they inherited a debt approaching $280 billion a year from the Bush administration. It was in 1993 that this Congress bit the bullet and passed a deficit reduction bill which massively cut spending, and it did adjust some taxes, but the effect of that legislation was to bring this country where we are today, enjoying the greatest economic growth in its history.

If it makes Republicans feel good and they want to take credit for it, let them do it. But let us not rewrite history, because this administration, when it took over, inherited an annual debt approaching if not exceeding some $280 billion a year in red ink.

Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. HINCHEY).

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

Mr. Speaker, perhaps the kindest characterization of this proposal would be to say that it is disingenuous. It is obviously disingenuous, because the party that is offering it here, the majority party in this House, several years ago adopted an internal resolution that required a two-thirds majority to raise revenues by any vote taken by the House of Representatives.

What have we seen in the carrying out of the adoption of that change in the rules here? What we have seen is that virtually every time the issue has come up, the leadership of the House has waived the requirement. So one can only conclude that this proposal for a super majority, anti-democratic super majority to raise revenues, is one that is not really believed in by those people who are offering it, because every time they have had an opportunity to put it into place they have abandoned it. They have walked away from it. It seems quite clear that they do not even believe in it themselves.

Why would we want to do this? Why would we put fiscal policy in a Constitution when every sound economic principle everywhere says that that would be a foolish thing to do? Why would we want to do it? How would we react to emergencies? How would we respond to a crisis in agriculture? How would we respond to national emergencies of various kinds? How would we respond to natural calamities when we needed to respond aggressively and forthrightly and attentively to those problems when people were in serious trouble?

Look what is happening in the farm belt all across America. Look what is happening to agriculture as a result of the 1996 farm bill and the destructive impact that that has had upon ranchers and farmers all across the country. We are not even responding to that adequately now under the leadership of the Republican party in this House. Imagine how much more difficult it would be if we required a two-thirds majority.

They have turned their backs on ranchers and farmers. Now they want to get even further away from them and other people who would face difficult circumstances in our country by implanting this super majority, this anti-democratic super majority provision in the Constitution as an amendment to the United States Constitution. It is an absurd proposal.

Why are they advancing the proposal? Ostensibly they are advancing the proposal because they would like everyone to think that taxes are too high, that Federal taxes are too high. Of course, everyone who is struggling with their income tax form these days is prepared to believe that, or many people are prepared to believe it, I assume.

But the fact of the matter is that the situation is quite different from that. Let us just take a look at certain people in our economy and how the income tax code relates to them.

The median income in America today is about $46,700. That is the median income; half below, half above. The average Federal income tax rate for a family of four at the median income in 1999, last year, is 7.5 percent. In 1981, it was 11.8 percent. The fact of the matter is that the tax rate for people at the median income is lower now than it was in 1981, and in fact, is the lowest it has been since 1966.

If one is making half of the median income, he is in effect at a negative income tax as a result of the changes in the earned income tax credit that were put into place by the Clinton administration as a result of the 1993 budget proposal. As a matter of fact, that budget proposal also made some adjustments downward for people at the lower-income ranges, as well. So the situation for people at the median income is better today than it was in 1981. People making half of the median income are not paying any income taxes whatsoever.

What about people making a little bit more money? Suppose someone is making twice the median income. Suppose they are making somewhere in excess of $90,000 a year for a family of four. The fact of the matter is that the median income for them is now 14.1 percent. What was it in 1981? It was 19.1 percent.

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The median income for a family of four and the tax rate for the median income, people making twice the median income is lower than it was in 1981. Even after tax income, the after-tax rate for people at the top 1 percent is even lower than it was in 1987. The fact of the matter is that taxes are taking less of a bite of the income, Federal taxes, Federal income taxes, taking less of a bite out of the income of Americans than they were back in 1981.

This proposal is not just disingenuous. It is not just a proposal in which the proponents of it do not really believe themselves. They have abandoned it every time it is come up. They know very well it is not going to pass. It is not going to get two-thirds of the majority of this House voting for it.

It is simply put up here for partisan political reasons in the hope that they can deceive a few people here and there around the country, that the Republican Party really wants to see taxes cut, that they really believe in lower taxes.

When it was pointed out here just a few moments ago with the tax shelter hustlers, the front page of Forbes magazine what they really want to do, what they really want to do is protect the privileges of the very, very wealthy.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield on that point?

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

Mr. DOGGETT. Mr. Speaker, certainly it is important to point out they will freeze into place all of these special interests provisions, all of these loopholes. The gentleman focused, I think, very eloquently on the effects of their proposal and has also noted that what we mainly have been dealing with here, as is the case around every tax filing day, is hot air from the Republicans.

I would like to redirect the gentleman's attention from hot air to dirty air and another section that would be frozen into place, and that is section 527, which the gentleman joined with me last week in sponsoring legislation to address. Being from New York State, did the gentleman have occasion to see the ads that some Texans ran against Senator MCCAIN there in New York State?

Mr. HINCHEY. Yes, I believe I did.

Mr. DOGGETT. Even though Texas has some problems, having outdistanced Los Angeles, which is one of the cities that has the dirtiest air in the country in many areas, the claim was that one candidate was not enough of an environmentalist, but instead of doing that as a direct campaign, they used a 527 organization where the gentleman could not even find out who put the ad on television.

Mr. HINCHEY. Yes.

Mr. DOGGETT. Instead of doing the kind of hot air measure that we have here today, I believe the gentleman joined with me in saying that that was wrong and that taxpayers ought to have a right to be able to find out whether it is some Texas friend of one of the other presidential candidates or whether it is Chinese money or Iraqi money or Cuban money or just some homegrown special interests that wants to pour money into these kind of Swiss bank accounts of the political season this year to make unlimited expenditures, but never tell the taxpayers who is funding these kinds of hate campaigns that the gentleman must have seen in New York State.

Mr. HINCHEY. Mr. Speaker, we did see them in New York State, and there were advertisements that were put forth principally on Long Island; and they, of course, were deceitful. They were deceitful in a variety of ways. First of all, they pretended that the proponent of those ads, the beneficiary of those ads, was one who had a sound record in environmental protection when we know that the environmental record of Governor George W. Bush in Texas is an abysmal record.

In the air quality arena alone, for example, the city of Houston now has surpassed Los Angeles with the worst air quality in the country, as a result of the fact that Governor Bush has vetoed every attempt to pass sound environmental control legislation in the State and turned his back on environmental quality in the State generally.

Furthermore, the ads that the gentleman is talking about now, which were allowed as part of the Tax Code, those ads that the gentleman very appropriately brought to our attention today and which are allowed in a section of the Tax Code are totally deceitful and point out the reason why we need campaign finance reform and point out the illegitimacy of this proposal.

Mr. DOGGETT. Mr. Speaker, we said, look, whether those ads are put on by a Democrat, a pro-environmental group or an anti-environmental group, let us at least tell the taxpayers who is financing them. And this Republican leadership, the same Republican leadership that could have just sent all of us and the American people a cassette with the speeches that they gave last session or the session before that or the session before that or the session before that on this same sorry proposal.

They said they did not have time to consider that. They basically said that the only way they can get through this election was to continue taking unlimited amounts of secret money, including foreign money, that can be dumped into these political Swiss bank accounts called 527's and continue to stuff misinformation into our mailboxes and run hate on to the airwaves. They refused to consider the proposal that the gentleman personally has sponsored, did they not?

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

Mr. Speaker, in response to the gentleman from New York (Mr. HINCHEY), who is my good friend, during the time on the floor the gentleman wanted us to question why we are advancing this idea, what possibly could Republicans be for. Why are we advancing this idea? It is quite simple. We would like to make it more difficult to raise taxes on the American taxpayer.

Secondly, the gentleman asked, oh, my gosh if we had this, how would we respond to emergencies? The obvious implication is, could not raise taxes, could not raise taxes in the event of an emergency.

Mr. Speaker, I think it is very interesting that if we follow this, then we would have to respond to a crisis or any crisis in the following manner: number one, we would have to raise taxes; that is the first thing the Democrat Party wants to do. Number two, raise spending. Go spend it, go spend all of the taxpayers money, spend more and more and more. Number three, increase inefficiency, bigger government. Give it to the government, bring it to Washington, D.C.

My proposition is quite the opposite. My proposition is that it should be more about efficiency. Under a post-tax limitation amendment, the first thing that would happen is, government would have to increase efficiency. Government would have to look inward to itself.

It would have to do the same thing that I do at home with my wife and my family. We would have to live within a budget; could not raise taxes as easily; have to work within what we have; have to make some hard decisions; have to prioritize. It would increase efficiency because it would require the Government and the Congress to make tough decisions. Today, the path of least resistance, let us raise taxes, let us raise spending, let us just go do the same old Washington dance.

Secondly, under a post-tax limitation amendment, it would mean that we would have to then look at raising spending. How are we going to do that? Well, we would do that if there is an emergency because we had already squeezed the lemon dry. We could already prove to people back home we have looked inward, we have been efficient. Now what we have to do is to raise spending.

Remember, we are in a surplus condition. We do need to use more efficiently the money that has been given to us. Lastly, the thing that would be required, which is what the taxpayers, I believe, sent all of us to Congress to do, and that is lastly then to consider the last option or the least easy option, raise taxes.

This, to me, is what it is all about, that the Congress of the United States should have to come on the floor of the House of Representatives to debate the issues, to talk about efficiency, to do the right thing for the taxpayer back home; but the easiest thing should not be to raise taxes. That is where the minority party, that is where they fall virtually every time. That is where they are falling today. That is the difference between these two parties in Washington, D.C. Somebody that says let us just raise taxes, let us go raise taxes on the people who have the money, let us go raise taxes on people who have been successful, people who create our economy, people who provide jobs, we are going to make it more difficult. That is what this argument is about.

Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Texas (Mr. SESSIONS), for yielding me this time.

Mr. Speaker, I am delighted to come down here and speak on behalf of this amendment. I say with tongue in cheek that the Republicans celebrate July 4 and the Democrat Party celebrates April 15.

For most Americans, April 15 is a dreaded day. It is a feared day, a day in which taxpayers across the country are concentrating and reflecting on America's most frustrating and complex tax system. I do not know how many millions of pages there are, but it is enough.

So it is altogether appropriate, just before the April 15, we should reflect on our Nation's Tax Code and the problems it imposes upon taxpayers in America. So today we will be considering a most meaningful piece of legislation addressing the shortcoming of the system, the tax limitation amendment which will force Congress to garner a supermajority before approving any tax increase.

Later we will have this opportunity to vote for the bill, to scrap the Tax Code so we can replace this burdensome tax system with something far more fair and equitable.

Tax limitation would require in this House and in the Senate, if adopted, that there be a real consensus to raise taxes. It would take a two-thirds vote, which means we will not have a recurrence of one of the largest tax increases in American history in 1993 with President Clinton and Vice President Gore's proposal.

When I look at this, I go back and think about our Founding Fathers. These honorable leaders had the foresight to mandate a two-thirds majority vote on certain priority issues in this country. James Madison, a vocal supporter of majority rule, argued that the greatest threat to liberty in a republic came from unrestrained majority rule, and that is why they proposed two-thirds majority for conviction in impeachment trials, expulsion of a Member of Congress, override of a presidential veto, a quorum of two-thirds of the Senate to elect a President, to consent to a treaty and proposing constitutional amendments.

So if it is good enough for those, I think certainly it would be good enough for deciding whether we are having taxes here.

There were seven of these that were already in the Constitution when they wrote the document and since then they have added three more.

My colleague, Daniel Webster, obviously a great renowned legend of this great body, said, quote, ''the power to tax is the power to destroy.''

We voted yesterday against $116 billion in higher taxes and user fees as proposed in the administration's budget. Americans are simply taxed too much. It is both the Federal, State, and local level where it adds up to almost 40 percent; and, of course, there are many areas that we are taxed and we do not even know it.

Gasoline tax is one of them, corporate income tax, excise tax, State and local, as I mentioned. Though the average American family is paying somewhat less in Federal income tax, as I pointed out, the overall tax burden is approaching 40 percent. So this amendment is needed, something that many States are already doing.

I am glad the Federal Government is stepping up to the plate, and I urge strong support on both sides of the aisle to align yourself with what the States are doing, align yourself with the people and move forward to pass this amendment.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Goddard, Kansas (Mr. TIAHRT).

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Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), the member of the powerful Committee on Rules.

Mr. Speaker, I rise today in support of the constitutional amendment requiring a two-thirds majority to raise taxes on hardworking American families. The tax limitation amendment is powerful, yet responsible. By requiring two-thirds majority approval for any tax increase, this Congress is showing its deep concern for the constant imbalance of raising taxes in order to increase spending. We are attempting to ensure that the American people will not be subject to the whimsical and shortsighted notions of Congress to raise taxes at the drop of a hat.

Presently 14 States across this country require a supermajority in their legislatures to raise taxes. What has been the result? Their State taxes grow much slower and State spending is reduced. Additionally, these States have seen their economies grow at a rate of almost one-third faster than the 36 States that have not adopted supermajority requirements for tax increases. One-third faster than the States that have not adopted supermajority requirements.

A strong majority of American taxpaying families support this effort, which will assure that future Congresses have support of the American public before they attempt to raise taxes.

Mr. Speaker, the bottom line is that today's taxes are too high. Americans pay more in taxes than they do for food, clothing, and shelter. Efforts to reduce these burdens on Americans is much too little. It is an economic fact that the Big-Government crowd would like to ignore.

It frustrates me to witness some of the largest tax increases this Nation has ever seen to pass with only one or two votes, and it frustrates me further to know that this body can vote to increase taxes on all Americans when all of America does not support such action.

So today I am asking my colleagues to take a long, hard look at the remarkable possibilities this legislation offers and offer their support for this amendment. Members who oppose this legislation are telling the American public that it does not bother this Congress to saddle our Nation, our Nation's taxpayers with economic policies that penalize rather than reward. Our action today will show a great deal about the direction of this Congress and this country and, most importantly, about the future of our children.

I want to leave behind a legacy of a strong economy, a strong future for our children, and not one burdened heavily with taxes, stifling growth, limiting opportunity. By requiring a supermajority to raise taxes, we will prevent further knee-jerk reactions by big government supporters who care more about the outcome of arcane Federal programs than the hard work of everyday people that I and this amendment support.

So ask my fellow Members to support the legislation today.

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

Mr. Speaker, the gentleman from Kansas (Mr. TIAHRT) just stated that all of America does not support tax increases, and that is clearly true.

Last year, the Republicans in the House produced a massive tax cut bill. They passed it. They went home for the August break, came back, and that was the last we heard about of it because all of the American public did not support the direction of that tax cut bill because they felt that reducing the Federal debt was more important. Saving Social Security, and modernizing Medicare was more important.

I should also point out to the gentleman from Kansas that all of his district did not support his coming here. Who did? A majority did. So if a majority is good enough to get him here to Congress, if a majority is good enough to have this Congress declare war, I would think tax policy in this country should be made by that same majority.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, I really had about made up my mind not to come over and even debate this amendment today. It is quite obvious that this is not a serious effort to amend the Constitution. What it is, instead, is a serious effort to make a political statement about taxation.

We have, every year now for the last 3 or 4 years, had this same proposal on the floor. There are not even any pretenses this year, because I am the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary. This amendment did not even come through the Subcommittee on the Constitution of the Committee on the Judiciary this year to be considered.

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

Mr. WATT of North Carolina. I am happy to yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, what was the committee vote on the Committee on the Judiciary to recommend this resolution to passage?

Mr. WATT of North Carolina. Well, beyond the Subcommittee on the Constitution, the bill did not even go through the full Committee on the Judiciary this year. It has in prior years. But if my colleagues are seriously saying that they are serious legislators and Members of Congress, and they take their job seriously, and they are going to amend the most sacred and profound document of our country, the United States Constitution, do they bring a proposed constitutional amendment to the floor of the United States House of Representatives without even going through the Subcommittee on the Constitution whose job it is to deliberate and decide on the merits of constitutional amendments? Do they circumvent the entire Committee on the Judiciary and go around that committee and bring it to the floor? Or do they go through the regular process?

So that in and of itself is an indication that this is a political exercise designed to score political points and having nothing to do with the merits of whether there should be a constitutional amendment.

Now, we have gone through this time after time after time. In the past, I have tried to bring constructive amendments to the legislation. It was not a constitutional amendment when it was done before. It was legislation that one could try to amend and try to bring some rationale to.

But this year, it is a whole new proposal. It is a constitutional proposal. But it went around all of the processes. It is hard for any of us to take this seriously other than we must be getting close to April 15, tax day in this country, and the Republicans must be very interested in making political points about the level of taxation in this country, which is fine. I mean, they can make those political points. Nobody likes taxes. But we have to have some priorities in this country.

If my colleagues are going to be serious about a constitutional amendment that raises taxes, what about a constitutional amendment that deals with cutting taxes? Why should there be a different standard when we are talking about doing away with loopholes in a Tax Code then we would if we were raising taxes.

But this constitutional amendment would not give us any authority to have a supermajority. So this is not serious. It undermines the basic principle that our country is founded on, which is one person, one vote. It undermines my representational authority for the 1⁄435th of the people of this country that I represent, because, all of a sudden, to get something done, we would require a two-thirds majority vote rather than a simple majority.

If this were being taken seriously, it would have gone through the regular process. So I do not even know why I came to debate this. We are not engaging in any serious congressional activity. It is obvious from that, from the number of people on the floor. So I will yield back the balance of my time so that my colleagues on the Republican side can go ahead and make their political point.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. SHADEGG), a friend of the taxpayer, a gentleman who is a staunch supporter, a good conservative, chairman of the CATs, Conservative Action Team here.

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

Mr. SHADEGG. Mr. Speaker, I rise in strong support of the tax limitation amendment. I want to commend the gentleman from Texas (Mr. SESSIONS) for bringing this amendment forward. I want to commend the gentleman from Texas (Mr. HALL), his cosponsor. I want to commend the gentleman from Texas (Mr. BARTON) who has led this fight year in and year out.

1993 was not that long ago. Indeed, it seems to me like 1993 was just the snap of a fingers or a blink of an eye ago. It was just a few short years ago that we were standing here in 1993. Yet, why is that year significant to this debate? Because if we were to return the tax burden on the average American family to the level of that tax burden just 7 years ago, in 1993, as a percentage of our economy, every American family would get a tax break, would get tax relief of $2,500 a year. That is how much taxes have gone up as a proportion of our economy in just 7 short years, $2,500 for the average family across America of four people.

Now, what does $2,500 mean? It means an extra $200 a month in their budget. The reality is, in this city, in this Congress, government has grown year in and year out, in good times and in bad times, the last 40 years straight. I believe the American people deserve a break.

Let me talk to that point. What would $2,500 a year for the average family of four or $200 a month for the average family of four mean? Well, in 1996, we were engaged in a debate about tax relief on the floor of this House.

Many of my colleagues said, well, the American people do not really want tax relief. So I went home, and I said to my scheduler, I want to spend an hour in front of a grocery store or drug store on one side of my district talking to people, and I want to spend an hour in front of a grocery store or drug store on the other side of my district talking to people.

I went first to the east side of my district. The east side of my district is middle- to upper middle-income Americans. I stood there on the corner, and I talked to them about this issue. The first problem I had was to convince them that I really was the Congressman in that area.

But once I got beyond that, their second concern was, look, politicians will never cut taxes. You do not believe in cutting taxes. You will never give this. This is just political talk.

When I explained to them, no, we were really serious about this. On the east side of my district, they said, Congressman, sure we could use some tax relief. It is important to us. Almost 70 percent of them said to me, Absolutely. Give me some tax relief.

But the important part of this discussion was what occurred on the west side of my district. On the west side of my district, we are talking middle- to lower middle-income and below. I stood in front of a drug store on the west side of my District, and voter after voter after voter after voter, citizen after citizen that I got to engage in this discussion, once I get beyond the, no, you will never really give us any tax relief, and got into the substance, they said, Congressman, if you could give us any break at all, it would make a huge difference in our lives.

The people who are struggling to get by, those Americans who can barely pay their bills, who wake up each morning and struggle to get their kids fed and get them off to school, and the husband goes off to work and the wife also has to go back off to work, and they go through their day, and they come home, and they get their kids, and they struggle to get them to Little League or piano practice and get the homework done and get them back in bed, those Americans just barely getting by said to me, Congressman, if you could just give me a little bit of a break.

What have we done to those Americans in the last 7 years? We have added $2,500 to their tax burden. We have increased their tax burden on those poor, working, struggling-to-get-by families by $200 a month.

Now, what does this amendment say? Does this amendment say, let us give them a break and give them that $200 back, let us work, give them a chance? It simply says let us make it a little harder to raise taxes again. I urge my colleagues to support this amendment.

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

Mr. Speaker, if the gentleman from Arizona (Mr. SHADEGG) would have gone to that same town and asked the people on the west side of town what the major priorities in Congress are, they would have probably told him, Mr. Congressman, we need more money for defense. We have to increase the readiness of our armed services. And, by the way, Mr. Congressman, the bridge on Main Street is in need of repair. And we sure could use that 90 percent Federal funding for that new bridge.

Then as my colleague went to the east side of town and talked to the poor individuals, they would have probably said, Yes, we could use some relief. But, Mr. Congressman, my son or my daughter wants to go to college, and, boy, if you could increase the Pell Grants for that child of mine, that would sure be neat. The earned-income tax credit, that could use a look-see again by the Congress. Yes, that will cost some money.

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And the point I am trying to make, my colleagues, is that all these needs and desires of the American public cost money.

My Republican colleagues seem to think that defense money comes from heaven and not from taxpayers and any other social program, like Medicare and drug benefits and other things that we fight for on this floor, that comes from the taxpayer. And the truth of the matter is that all those expenditures are funded by the taxpayers.

So, sure, we would all like to decrease taxes; but when we ask our constituents what program will they forego, we will find out that budget cutting is not the easiest in the world. We are going to put in big money for the National Institutes of Health, which we should do, to study children's diabetes and cancer and all sorts of other diseases. But those programs are funded off these nasty things we are talking about called taxes.

There is an old saying, ''Don't cut you, don't cut me, cut the man behind the tree.'' We cannot find the man behind the tree nor the tree. So my colleagues should not come before the body and say, boy, we need two-thirds to have any tax increase. If that is so, then we should have two-thirds to have any spending increases too for their favorite programs and my favorite programs. That would be fair. But that is not what the Founding Fathers envisioned.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL).

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. I thank the gentleman for yielding me this time, Mr. Speaker.

We went through this exercise on the balanced budget amendment for many years. The other side failed to understand the difference between promising to balance the budget and actually doing it. As it turned out, all they had to do to balance the budget was to support President Bush in 1990 and President Clinton in 1993. For the most part, they did not; but we balanced the budget over their objections.

The other side continues to misplace the distinction between promise and reality. They argue they need a constitutional amendment not to raise taxes, when all they simply need to do is not to raise taxes. In fact, the House voted yesterday 420 to 1 not to raise taxes. But I guess for the authors of this amendment that vote was too close.

This is tax frolic week, or tax press release week. To give another example of the deep thought that has gone into this week, tomorrow we take up a bill to repeal the Federal income tax with a promise to replace it in the future. We have to promise at that point, not knowing where we are going, that we are going to come up with a substitute, perhaps a flat tax to benefit the wealthy, or a 60 percent retail sales tax. But if both this bill and tomorrow's bill were to pass, it would require a two-thirds vote of Congress to replace the repealed Federal income tax.

Twenty years ago, I was standing in a classroom telling students of my reverence for the Constitution. What would I say to them about the shenanigans occurring here today? I would not even want to face them.

The Constitution requires a two-thirds majority vote in the House in only three instances: overriding a President's veto, submission of a constitutional amendment to the States, and expelling a Member from this House. Those are matters that are much more weighty than the one that faces us today.

Mr. Speaker, the Founding Fathers examined majority rule and what it meant. They rejected the notion that one-third of the Members of this institution should be in a position to determine the fate of legislation. They, led by Mr. Madison, reviewed the question of what constituted a majority in a legislative body. They concluded, based upon the bad experience of the Nation under the Articles of the Confederation, where nine of 13 States were positioned to raise eventual revenue, that it was simply a bad idea.

Upholding the current Constitution is truly, truly the conservative position in this debate. Holding the country hostage to the tyranny of the minority of one-third is, indeed, the radical position. But, apparently, Mr. Speaker, it makes better sense for a good press release than to stand with the Constitution.

So let us proceed. Crank out the press releases, go home for a 2-week break, and then, when we come back, let us do something real and substantive for a change.

Mr. KLECZKA. Mr. Speaker, will the Chair advise each side how much time is remaining on this issue.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. KLECZKA) has 3 minutes remaining; the gentleman from Texas (Mr. SESSIONS) has 9 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Bloomfield Hills, Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time, and I also want to thank the gentleman from Texas (Mr. HALL), and it would not be right if I did not thank the gentleman from Texas (Mr. BARTON), who has really been the crusader on this issue for a long, long time, and one I think that we ought to get straight and pass.

Since the beginning of the year, this Republican majority has succeeded in passing several tax cuts for the American people. We believe that couples should no longer be punished by the Tax Code because they are simply married.

We enacted legislation that prevents senior citizens from being taxed excessively, and particularly when they continue to be positive contributors to society. And we had bipartisan support for that.

We passed tax reduction legislation to help ensure that small businesses and family farms remain in the family.

But while we shall continue to offer tax cuts every year, today we have a historic opportunity to take a great leap forward by limiting tax increases forever. Passage of this act would require two-thirds of Congress to raise taxes. It is too easy, too easy, for this government to pass unnecessary tax increases on the hardworking people of this country. I repeat that: it is too easy.

If President Clinton, for example, had got his way this year in his budget, he would have increased taxes by $237 billion over the next 10 years. Why, Mr. Speaker, is the President trying to raise taxes in an era of budget surpluses? Why? Instead of raising taxes, should we not find ways to give the surplus, part of it at least, back to the people who have overpaid?

With a surplus on hand, and CBO projecting future surpluses, there is no need for any new tax increases. Congress should be focusing on forcing Federal bureaucrats to cut waste, fraud and abuse and spend their budgets wisely. For too long the Federal Government has raised taxes on a whim. This bill is the best way to ensure that taxes are increased only when it is absolutely necessary.

Currently, 14 States, as has been previously mentioned, have tax limitation provisions, and it has been demonstrated that States with limitation provisions have seen a reduction in the growth of spending. For a needed tax increase, a two-thirds majority would not be that difficult to obtain. We simply want to give the public the security that the Federal Government will not raise unnecessary and hasty tax increases.

I think it is about time that we restore the public's faith in government. Instead of only saying we are against new taxes, let us actually show them. I urge my colleagues to pass this legislation and protect Americans from the Washington big spenders.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), representing the Sixth District of Texas, who brought this effort to the floor of the House of Representatives, and who is one of the most articulate spokesmen for the Tax Limitation Amendment.

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

Mr. BARTON of Texas. Mr. Speaker, I rise in strong support of this tax limitation constitutional amendment. I want to commend the gentleman from Texas (Mr. SESSIONS), representing the Fifth District of Texas, for his excellent leadership this year.

I have been able to listen to some of the debate this year. Certainly I have led the debate in prior years for the proponents of it. I have a few simple things to say in the 2½ minutes that I have remaining.

First of all, my constituents want tax limitation. I have never attended a town meeting, a public forum of any sort where this issue came up that less than 90 percent of the people there did not say they wanted this in the strongest possible terms.

I just did my taxes. I sent a check in to the Internal Revenue Service early this week. I know for a fact that our taxes are too high. In spite of the robust economy that we have, taxation of the American people is at an all-time high. If we include State and local taxes, there are people in our country today that are in a tax bracket approaching 60 percent of their income. At the Federal level, taxation is well over 20 percent. And that is just on income taxes and does not include Social Security taxes and Medicare taxes.

The Tax Limitation Amendment is fairly straightforward. It would take a two-thirds vote to pass a tax increase. Two-thirds is a larger fraction than one-half. It does not say we cannot have tax increases, it does not say tax increases will never be necessary; but it says there should be a national consensus of a supermajority that a tax increase is definitely needed. We should look at spending decreases; we should look at efficiency before we look at increasing taxes.

I would remind Members in this body that the original Constitution had 100 percent, a 100 percent prohibition against income tax increases, because income taxes were unconstitutional until early in this century when the 19th amendment made it constitutional to pass an income tax. Since that time, the marginal tax rate on the American public has gone from 1 percent to 38 percent. That is a 3,800 percent increase.

So to put it simply, a tax limitation works. There is no better time to pass a constitutional amendment making it harder to raise taxes than right now when we are in a budget surplus. The opponents of the amendment do not say that it would not work. They are opposed to it precisely for the reason that it would work.

I hope we can get a two-thirds vote necessary to pass this to the Senate today. If for some reason we are not successful, this amendment will come back. The more the American people know about it, the more it becomes a part of the lexicon of the political process, and the greater the likelihood that we will pass this.

Again, I want to commend the gentleman from Texas (Mr. SESSIONS), the gentleman from Texas (Mr. HALL), the gentleman from Arizona (Mr. SHADEGG), and others for their strong leadership on this. I will vote for it and encourage every Member of this body to vote for it.

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

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KLECZKA) has 3 minutes.

Mr. KLECZKA. Mr. Speaker, I think we have had what I would call a spirited debate today, but one has to wonder why this proposal comes up every April. Congress comes in session in January. We stay around until October. Why do we not have a vote on this particular issue in July or February? For the last 5 years it has always come up in April.

But when in April? Well, they try to schedule it April 15. Well, my gosh, why April 15? Well, that is the day that we have to file our taxes, the last day we have to file our taxes. Why did they do it this date this year? They got snookered. April 15 is on a Saturday, and they cannot keep Members of Congress here on a Saturday.

So this is more for show, my friends, than for goal, as evidenced by the vote we are going to have very shortly, which will provide that this constitutional amendment will not pass, nor should it. Nor should it. If, in fact, a majority in Congress can send our young men and women to war; if a majority in Congress can cut benefits for education, Social Security, Medicare; if a majority can do all these things, then why not also deal with tax policy in the same manner?

1300

My colleagues on the other side know that is correct. And if this were a secret ballot, this thing would go down to the person, it would fail 435–0. But that is not the case. It is April 15. We have to make a statement about taxes.

And tomorrow we have a better one for my colleagues. Tomorrow we are going to repeal the entire Tax Code. We are going to repeal the Tax Code tomorrow. And what are we going to replace it with? I do not know. We do not have a plan for that yet. That is how phoney this business is.

We had a hearing before the Committee on Ways and Means on a bill sponsored by one of their Members and one on our side. It provided for a national sales tax. The thing got worse as we questioned the witnesses. It started out with a 30-percent sales tax on every good and service, including clothes, prescription drugs. And by the time we got done talking to the Joint Committee on Taxation, to be revenue neutral, that national sales tax would be 60 percent.

So we are going to trust them with tax policy around here to tax my constituents 60 percent on their drug costs, when now they are going to Canada to get a break?

This constitutional amendment, Mr. Speaker, is not necessary, and I urge my colleagues to not support it.

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

Mr. Speaker, before I pass to the remaining and closing speaker that we have, I would like to thank three people: Marty McGuinness from my staff; Steve Waguespack, who is from the staff of the gentleman from Texas (Mr. BARTON); and Elizabeth Kowal from the staff of the gentleman from Texas (Mr. HALL).

Mr. Speaker, I yield the remaining time to the gentleman from the Fourth District of Texas (Mr. HALL), a gentleman who is a close friend of mine and the cosponsor and co-lead of this joint resolution.

Mr. HALL of Texas. Mr. Speaker, I do think it has been a spirited debate. I have not heard all of it. If I repeat some of the things of those who propose this, forgive me for it. But I would like to answer some of the questions that have been asked.

The gentleman from Wisconsin (Mr. KLECZKA) made a very good speech and asked why are we having it at this particular time. Well, that answer is pretty simple. We asked for it at this time because this is the time when most of the people of the United States are thinking about how high their taxes are. I think it is good to try to get their attention.

I believe, though, that we may be starting at the wrong level, we may be starting up here, when we really ought to be starting in our precincts and in our counties in our States at home. If we only close the gap today, or if we come close to closing the gap, or whatever votes we get today, we are going to count them for next year; and we are going to be in there trying to get it to emanate from the grassroots.

Because I think if we get the grassroots people and ask them the question, do they think it ought to be a little bit tougher to vote taxes on hardworking Americans, I think about all of them would say, absolutely yes.

It has also been suggested that this was politics. Everything we do up here has some politics to it. I would always say to my colleagues that it is not bad politics to be telling hardworking Americans that we are going to make it a little tougher to tax them. I think that is good politics. If it is politics, it is doggone good politics where I come from.

I cannot go anywhere in my district and talk to anybody there that does not complain about the taxes. Now, ask them, go home, conservative, Democrat, liberal, whatever, ask them, would they like for it to be a little more difficult for the United States Congress to tax them and take money out of their left hip pocket? I guarantee my colleagues that nine out of nine and probably a hundred out of a hundred are going to tell us, absolutely yes.

So I am here to express my support for the tax limitation agreement. We would not have had the sad 1986 Tax Reform Act if it had taken two-thirds, a reform act that set this country back to where we are just now getting over it. A lot of things would not have happened if it would have taken two-thirds.

There is a lot of difference in asking two-thirds vote to tax people and asking two-thirds vote to support various programs. I agree with the gentleman on the fact that it should only take a majority on supporting some of these programs. But when we go to taxing the American people, a direct tax from us to them, from our mouth to their left hip pocket, I think it ought to take two-thirds of us. I believe most of the people in this country, all of the good-thinking people in this country, would say, yes, make it a little tougher up there in Washington, D.C., for them to take our money away from us.

Mr. SWEENEY. Mr. Speaker, I rise in strong support of the H.J. Res. 94 and commend my colleagues from Texas for advancing this important legislation. Requiring a two-thirds supermajority for tax increases is one of the most critical hurdles we can erect to check future growth in government.

This supermajority requirement for tax increases is a tested model that has proven effective. Fourteen states now have tax limitation amendments in place and have shown great progress in restraining taxes and spending. It is no accident that those states are among the most impressive economic growth states in the nation.

Alternatively, as a resident of upstate New York where we suffer one of the highest tax burdens in the nation, I have seen firsthand how big government and escalating tax rates stifle economic growth. For many decades, Democratic leadership in New York enacted tax increase after tax increase and government expanded practically unchecked.

Upstate New York is not sharing in the nation's economic prosperity and is in fact seeing its population leave for opportunities in other regions of the country. This is painful for me as a father of three who would like to see opportunities for my children to spend their lives in upstate New York. If upstate New York were a state by itself, it would rank near the bottom in terms of economic growth. I believe it is the tax climate that has driven job growth away from our region.

Therefore, this amendment before us today is extremely important effort to show that government can check itself. Mr. Speaker, this is important legislation. I thank my friend, Mr. SESSIONS, for his hard work on this issue and urge my colleagues to support this legislation.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 4163, the Taxpayer Bill of Rights. This legislation brings much-needed simplification to our tax code and ensures that a taxpayer's privacy will be protected.

Taxpayers should be assured that the information they provide to the Internal Revenue Service (IRS) will be kept secure and confidential. Information on earnings, property and other income should be kept private, and this bill ensures that it will be. The Taxpayer Bill of Rights requires IRS supervisors, not rank-and-file workers, to determine if there are sufficient grounds to warrant an investigation into an individual's tax return.

The bill also requires states to conduct annual on-site investigations of contractors who receive federal tax information and process it for state agencies to ensure that this information is being safeguarded. Further, this legislation requires the IRS to notify taxpayers in all instances in which the IRS has unlawfully obtained a taxpayer's return or other information.

The legislation contains other important consumer protections, including a provision that tightens the requirements for banks to get access to a taxpayer's records. And, it requires that all third parties keep this information confidential.

H.R. 4163 helps taxpayers who are self-employed by simplifying the formula for estimated taxes. By allowing taxpayers to use one interest rate in calculating estimated tax, much time and effort will be saved. In addition, the bill's increase, from $1,000 to $2,000, in the threshold over which penalties must be paid for failure to pay estimated tax will help thousands of self-employed persons each year who miscalculate their taxes.

I urge my colleagues to support this important initiative. As tax day approaches, this is the least we can do to reduce the regulatory burden the IRS imposes on the American taxpayer.

Mr. CASTLE. Mr. Speaker, I fully support H.J. Res. 94, which calls for an amendment to the United States Constitution prohibiting passage of tax increases without a two-thirds majority in each house of Congress, except in emergency cases such as a military conflict. I am a cosponsor of this legislation, I have voted for similar legislation in the past, and I remain committed to passing the strongest tax limitation amendment possible.

Opponents claim, and will continue to claim, that constitutional amendments on taxing and spending make it harder to operate government as we know it. That is exactly the point—fiscal reality proves to us that we need an instrument, a tool, to control government spending and limit raising taxes.

The Federal Government has run deficits for 56 of the last 66 years leading to a $5.4 trillion national debt. This is not a short-termed trend. It points to a fundamental flaw in the political system that makes a constitutional solution both necessary and appropriate. We need to pass H.J. Res. 94 to renew our commitment to fiscal discipline. Otherwise, irresponsible spending and higher federal taxes will continue to own us, cripple our economy and mortgage our children's future. Congress needs the legal and moral authority of a Constitutional amendment making it more difficult to raise taxes.

This is not a radical idea as some have suggested. In fact, 14 states have enacted tax limitation measures. Since 1980, the state I represent, Delaware, has required a three-fifths vote to raise any tax. As a result, balanced budgets are the rule, not the exception, in Delaware.

Yesterday, the House rejected the $116 billion in new taxes and fees proposed in President Clinton's FY2001 budget by a vote of 420 to 1. I believe that vote represents an endorsement of the idea that higher taxes are not needed when the Federal Government is operating a budget surplus. Today, we need to go the next step and make it more difficult to raise taxes anytime other than during a military emergency. I urge those same 420 members to support this resolution today.

Mr. BEREUTER. Mr. Speaker, this Member rises in principled opposition to House Joint Resolution 94, the so-called tax limitation amendment. Certainly it would be more politically expedient to simply go along and vote in support of a constitutional amendment requiring two-thirds approval by Congress for any tax increases. However, as a matter of principle and conscience, this Member cannot do that.

As this Member stated when a similar amendment was considered by the House in the past, there is a great burden of proof to deviate from the basic principle of our democracy—the principle of majority rule. Unfortunately, this Member does not believe the proposed amendment to the U.S. Constitution is consistent or complementary to this important principle.

There should be no question of this Member's continued and enthusiastic support for a balanced budget and a constitutional amendment requiring such a balanced budget. In the judgment of this Member, tax increases should not be employed to achieve a balanced budget; balanced budgets should be achieved by economic growth and, as appropriate, tax cuts. This is why this Member in the past has supported the inclusion of a super majority requirement for tax increases in the rules of the House. However, to go beyond that and amend the Constitution is, in this Member's opinion, inappropriate and, therefore, the reason why this Member will vote against House Joint Resolution 94.

Mr. UDALL of Colorado. Mr. Speaker, I understand that the House has considered proposals like this several times in recent years. So I can see why the debate abut it sounds so rehearsed. I get the impression that many Members have heard all the arguments before, and I suspect that the debate will not change many minds about the proposal.

But as a new Member I must say this resolution strikes me as one of the oddest pieces of legislation that I've encountered yet—and I think it's one of the worst.

I'm not a lawyer, but it's clear that the language of the proposal is an invitation to litigation—in other words, to getting the courts involved even further in the law-making process. To say that Congress can define when a constitutional requirement would apply, provided that the Congressional decision is ''reasonable,'' is to ask for lawsuits challenging whatever definition might be adopted. Aren't there enough lawsuits already over the tax laws? Do we need to invite more?

But more important than the technical aspects of this proposal, I think it is bad because it moves away from the basic principle of democracy—majority rule.

Under this proposal, there would be another category of bills that would require a two-thirds vote of both the House and the Senate. That's bad enough as it applies here in the House, but consider what that means in the Senate. There, if any 34 Senators are opposed to something that take a two-thirds vote, it cannot be passed. And, of course, each state has the same representation regardless of population.

Consider what that means if the Senators in opposition are those from the 17 States with the fewest residents.

We don't yet have this year's census numbers, of course, but the most recent estimates that I have seen show that the total population of the 17 least-populous states is somewhere in the neighborhood of 20 million people. That's a respectable number, but remember that the population of the country is 270 million or more.

So, what this resolution would do would be to give Senators representing about 7 percent of the American people more power to block something even if it has sweeping support in the rest of the country.

Right now, that kind of supermajority is needed under the constitution to ratify treaties, propose Constitutional amendments, and to do a few other things.

But this resolution does not deal with things of that kind. It deals only with certain tax bills—bills that under the constitution have to originate here, in the House. Those are the bills that would be covered by this increase in the power of Senators who could represent a small minority of the American people.

Why would we want to do that? Are the proponents of this constitutional amendment so afraid of majority rule on the subject of ''internal revenue''? Why else would they be so eager to reduce the stature of this body, the House of Representatives, as compared with our colleagues in the Senate.

Remember, that's what this is all about—''internal revenue,'' however that term might be defined by Congress or by the courts. When Congress debates taxes, it is deciding what funds are to be raised under Congress's Constitutional authority to ''pay the debts and provide for the common defense and general welfare of the United States.'' Those are serious and important decisions, to be sure, but what is wrong with continuing to have them made under the principle of majority rule—meaning by the members of Congress who represent the majority of the American people?

So, Mr. Speaker, I cannot support this proposed change in the Constitution. Our country has gotten along well without it for two centuries. It is not needed. It would not solve any problem—in fact, it probably would create new ones—and it would weaken the basic principle of democratic government, majority rule. It should not be approved.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 471, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

Mr. KLECZKA. 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 234, nays 192, not voting 8, as follows:

[Roll No. 119]

YEAS—234

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

NAYS—192

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gillmor
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm

Strickland	Turner	Waxman
Stupak	Udall (CO)	Weiner
Tanner	Udall (NM)	Wexler
Tauscher	Velazquez	Weygand
Thompson (CA)	Vento	Wise
Thompson (MS)	Visclosky	Woolsey
Thurman	Walsh	Wu
Tierney	Waters	Wynn
Towns	Watt (NC)	

NOT VOTING—8

Cook	Dixon	Kaptur
Cummings	Gephardt	Watkins
DeGette	Houghton	

1326

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

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

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WATKINS. Mr. Speaker, on rollcall No. 119, I was on the floor and pressed the ''yea'' button, but I was not recorded.

I would like to be recorded as a ''yea.''

PROVIDING FOR CONSIDERATION OF H.R. 2328, THE CLEAN LAKES PROGRAM

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 468

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

1330

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

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Mrs. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time is yielded for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 468 is an open rule providing for the consideration of H.R. 2328, a bill to reauthorize the Clean Lakes Program. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule also 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 an amendment.

The rule waives clause 7 of rule XVI, prohibiting nongermane amendments against the committee amendment in the nature of a substitute and provides that the amendment in the nature of a substitute shall be open for amendment by section. Additionally, the rule authorizes the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

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

Mr. Speaker, the Clean Lakes Program was included in the 1972 amendments to the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act. This broad-based program helps communities to address a wide range of water quality issues and helps States through grants and technical assistance.

Reauthorization of the Clean Lakes Program is a necessary measure that will provide much-needed financial and technical assistance to states to restore publicly owned lakes. It is important to note that this is the primary Federal program that places the national focus and priority on lakes, their monitoring, protection, and management.

Mr. Speaker, the funding authorization for this program expired in fiscal year 1990. The program has not received funding since fiscal year 1995. Recently, the EPA has recognized the need to focus on clean lakes activities and has encouraged States to set aside monies from other programs to fund the Clean Lakes Program. In addition, various public and private organizations involved in lake water quality management have been seeking an increase in funding for this program.

Over the past two decades, lake restoration techniques have improved dramatically, and are viewed by many as an important component in meeting the Clean Water Act's objective of having all our Nation's waters fishable and swimmable, including the 41 million acres of fresh water lakes.

One of the most damaging contributing factors to the toxicity of these lakes in the Northeast is acid rain. Not only is it a costly problem to solve, but it can overwhelm State budgets. Funding the Clean Lakes Program is necessary to meet the States' needs in combatting the devastating effects of acid rain and other environmental pollutants.

Finally, Mr. Speaker, this legislation provides the opportunity for necessary partnerships among Federal, State, and local entities to focus both on the prevention and the remediation of pollution. Working together, Federal, State, and local governments can focus attention and resources on the special needs of our Nation's lakes.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. SWEENEY), the bill's sponsor, for his hard work on this measure. In addition, I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR.)

Mr. Speaker, I urge my colleagues to support both this rule and the underlying bill.

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

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

Mr. Speaker, I thank my colleague from New York for yielding me the customary 30 minutes.

Mr. Speaker, I rise in support of the open rule. I would note that the underlying bill is noncontroversial and reauthorizes the Clean Lakes Program established under the Clean Water Act.

This measure provides financial and technical assistance to States to restore publicly owned lakes. This is the primary Federal program that focuses national attention on lakes, their monitoring, protection, and management.

I was pleased that the committee selected two lakes in upstate New York, Otsego Lake and Lake Oneida, to receive priority consideration for demonstration projects in this bill.

Otsego Lake in New York is at the headwaters of the Susquehanna River, the largest single fresh water source for the Chesapeake bay. Otsego Lake is biologically unique in that deep water oxygen concentrations provide habitat for cold water fisheries, such as lake trout, Atlantic salmon, brown trout, whitefish, and cisco, which are now in jeopardy because of the sustained loss of bottom oxygen in the late summer and fall.

Oneida Lake in New York is the largest inland lake in the State and home to 74 species of fish. The lake watershed covers five counties and more than 800,000 acres. This lake is experiencing water quality problems and its use has been impaired. There are significant concerns regarding sediment and nutrient runoff to the lake from tributaries and agriculture and urban land use trends. In addition, algae, rooted vegetation, and invasive species are problems for this lake.

Again, Mr. Speaker, this is a completely noncontroversial measure; and I do not oppose this open rule.

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

Mr. REYNOLDS. Mr. Speaker, I urge my colleagues to support this open and fair rule.

Mr. Speaker, I have no further request for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3039, CHESAPEAKE BAY RESTORATION ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 470

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 470 is an open rule providing for the consideration of H.R. 3039, a bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Transportation and Infrastructure.

Mr. Speaker, the rule also provides that the bill shall be open for amendment at any point, and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Additionally, the rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the rule follows a 15 minute vote.

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

Mr. Speaker, the Chesapeake Bay is the largest estuary in the United States and is an important commercial, recreational, and historical center for thousands of residents in Virginia, Maryland, Pennsylvania, and the District of Columbia.

The Chesapeake Bay is protected and promoted under a unique voluntary partnership under the Chesapeake Bay Agreement, first adopted in 1983. The signatories to the agreement are the U.S. Environmental Protection Agency, the Chesapeake Bay Commission, and the States of Virginia, Pennsylvania, and Maryland, along with the District of Columbia. The agreement directs and conducts the restoration of the Chesapeake Bay.

Over the past two decades, much progress has been made in restoring the Chesapeake Bay. Area wildlife is recovering, toxic pollutant releases are down, and bay grasses have increased. However, much more needs to be done, particularly regarding water clarity and restoring the oyster population.

This bill addresses the need for a cooperative Federal, State, and local effort in restoring the Chesapeake Bay by authorizing $180 million for the Chesapeake Bay Program for fiscal years 2000 through 2005. In addition, the bill requires Federal facilities to participate in watershed planning and restoration activities.

Finally, the bill requires a study of the state of the Chesapeake Bay ecosystem and a study of the Chesapeake Bay Program's effect on this ecosystem.

Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

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

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

Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, this is an open rule. The debate time will be equally divided and controlled by the chairman and ranking minority member on the Committee on Transportation and Infrastructure. The rule permits amendments under the 5-minute rule.

This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

Mr. Speaker, the Chesapeake Bay is one of the most important bodies of water within the United States. Activities in the Bay make significant contributions to our economy through commercial fishing and shipping. The Bay supports extensive wildlife and vegetation. It also provides Americans with numerous recreational opportunities.

Years of man-made pollution have threatened the Bay and the life within it. However, there has been progress, and it is being made under the Chesapeake Bay Agreement signed by the District of Columbia, the Chesapeake Bay Commission, the U.S. Environmental Protection Agency, and the States of Virginia, Maryland, and Pennsylvania.

Mr. Speaker, H.R. 3039 will authorize money over a 6-year period for the United States Federal Government to support the agreement. The Chesapeake Bay is a national treasure. The legislation is necessary to help protect the Bay and its resources for all Americans. This is an open rule, we support it, and we urge its adoption.

1345

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

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

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE CLEAN LAKES PROGRAM

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to House Resolution 468 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2328.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Chairman, first of all, perhaps most importantly, I want to commend the gentleman from New York (Mr. SWEENEY) for his leadership in being the principal architect and author of this legislation to reauthorize and improve the Clean Lakes Program.

This bill will help restore and protect our Nation's 41 million acres of fresh water lakes by reauthorizing the EPA Clean Lakes Program. The bill authorizes $250 million of grants to help States clean up their lakes, and it increases to $25 million the amount to help States mitigate against the harmful effects of acid mine drainage and acid rain.

The EPA no longer requests funding under the Clean Lakes Program, and has forced the States to stretch their limited nonpoint source funds to clean up their lakes. This legislation restores this important program and places a national focus and a priority on our lakes. It allows funds to solve the wide range of problems impairing our many lakes. Very importantly, Mr. Chairman, it relies on locally-based solutions involving restoration, rather than new Federal regulations.

I certainly want to thank the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), the gentleman from Pennsylvania (Mr. BORSKI), and the entire committee for their support in moving this environmental legislation forward. It passed the subcommittee and the full committee unanimously by voice vote. I know of no opposition to it.

I would certainly urge overwhelming support for this important environmental legislation.

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

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

Mr. Chairman, I rise in support of H.R. 2328, to reauthorize the Clean Lakes Program. I want to express my appreciation to our chairman for his support of this initiative and for launching the hearings directing the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), to move ahead with this legislation, which is a derivative of and an extension of the monumental Clean Water Act of 1972.

That legislation, which I had the privilege to participate in as a member or administrator of the staff of the Committee on Public Works and Transportation at the time, was then, as it still is, one of the most far-reaching and successful environmental laws Congress has ever enacted.

We have made a lot of progress over the years with the Clean Water Act. It is going on 30 years. One of the reasons is the collaborative partnerships that the act established between the States and the Federal Government to restore and maintain, as the opening directive of that act provides, restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

We have not quite reached the objective of swimmable and fishable in all of the Nation's waters, but we are moving in the right direction.

Section 314 of that act established the Clean Lakes Program. That program directs EPA to work with the States to identify and implement programs to control, reduce, and mitigate levels of pollution in the Nation's lakes.

It has been a valuable resource to reduce pollution. We have funded approximately $145 million of grant activities since 1945 in 49 States and 18 Indian tribes, 700 individual site assessments, restoration, and implementation projects. But it is only a start.

The most recent national water quality inventory shows that States have reported that only 40 percent of lake acreage across this country has been assessed to determine whether the lakes meet the designated uses. Of that number, 40 percent are still impaired in some fashion. That means that 30 million acres of lakes across this country have a significant likelihood that the waters are not safe for fishing, swimming, or to support aquatic life in the lake and in the surrounding basin.

Body contact sports was one of the principal objectives of the Clean Water Act of 1972, so people could indeed use the lakes: swim, fish, walk through the lake waters on the edge, as we do with small children in Minnesota and elsewhere across this country. But we have not attained that objective.

This bill will help move us in that direction. It reauthorizes the Clean Lakes Program through 2005. It increases significantly the level of funding to $50 million a year. The funding would be directed to the States to diagnose the current condition of individual lakes and their watershed, to determine the extent and source of pollution, to develop lake restoration and protection plans that can actually be implemented, not just ideas and studies that remain on a shelf and gather dust, but plans that can actually be implemented.

Secondly, to address the concern of acidity in lake levels, in lakes across this country, we provide authorization for programs aimed at restoring lake water quality and mitigating the harmful effects of lake acidity. Canada actually was ahead of the United States in addressing the problem of acid rain.

Sweden was ahead of Canada. It was in the mid-1970s that Swedish scientists examined lakes that were in the early stages of death, death from acid rain coming from the Ruhr Valley in Germany, traveling over a thousand miles and being deposited on Swedish lakes that soon became clear, so clear you could see right to the bottom, no fish, no plant life. Dead lakes.

We were slow to assess that problem and appreciate the United States. Canada caught on first because the prevailing winds carry acid depositions from the United States north into Canada. Canada mounted a massive counterattack on acid rain problems, and that led to the U.S.-Canada Air Quality Agreement, in addition to the U.S-Canada Great Lakes Quality Agreement, that has resulted in restoration in lakes in Canada that were nearing the death levels of lakes in Sweden.

Mr. Chairman, this legislation will move us further along in the United States, in the direction of addressing the problems of the harmful effects of acid rain and high lake water acidity. This legislation also adds four lakes to the priority demonstration projects included in the Clean Lakes Program, one of which is Swan Lake, which is in my district, which is of tremendous regional significance for the people living in the iron ore mining country; a 100-square-mile lake in Itasca County that includes the City of Nashwauk, northeast of that lake, there are a wide range of recreational activities very popular there in the 5 months or 6 months that we can actually enjoy lake activities when they are not frozen over in Minnesota, boating, fishing; significant economic benefit to the entire region.

Mr. Chairman, the water quality has deteriorated over the years, poor soil surrounding the lake and poor lake edge protection and watershed protection, as well as sewage into that lake. We will be able to address this problem and learn from it and apply its lessons elsewhere across the country and across, of course, my own State of 10,000 lakes, which really is about 15,000, actually more than that. We do not really count lakes under 200 acres.

Mr. Chairman, I am really delighted; and I wanted to compliment the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from New York (Mr. BOEHLERT), our subcommittee chairman, for their support and also the gentleman from Pennsylvania (Mr. BORSKI), who does not have as many lakes in his district, but who has been very generous in giving his strong support for this legislation.

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

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Subcommittee on Water Resources and Environment.

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

Mr. BOEHLERT. Mr. Chairman, H.R. 2328 reauthorizes the Clean Lakes Program, and we have one person in this Chamber to thank most for that action and that is our colleague, the gentleman from New York (Mr. SWEENEY). The gentleman deserves to be commended for the leadership he provided.

This is an example of how the Committee on Transportation and Infrastructure serves this institution and this Nation so well. We worked out any differences we had in a bipartisan way and are marching forward together.

Mr. Chairman, let me point out that the Committee on Transportation and Infrastructure under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, are responsible for more legislation, more successful legislation in this Congress than in the preceding Congress, of greater significance than any other committee of this institution. I am very proud to identify with the committee.

Let me say, unfortunately, that the Environmental Protection Agency has not requested funding for the Clean Lakes Program and the program has not received separate appropriations in recent years. Instead, States have been encouraged to fund clean lakes activities by using funds provided under section 319 of the Clean Water Act for already underfunded nonpoint source programs.

Mr. Chairman, acting to reauthorize this program will send a clear message that we care about restoring and protecting our Nation's 41 million acres of fresh-water lakes for our children and their children. Congress is not the only voice calling for this program. Various public and private organizations involved in lake water quality management had been seeking an increase in funding for the Clean Lakes Program.

This program is seen as an important component of meeting the Clean Water Act's objective of having all our Nation's waters fishable and swimmable. In addition, there is growing concern about the damaging effects of acid rain and acid mine drainage on the Nation's lake. Separate, adequate and consistent funding for the Clean Lakes Program is necessary to meet the needs of the States' lake program.

The Clean Lake Program offers an excellent opportunity for watershed-based community-driven projects, as well as needed partnerships among Federal, State, and local entities. It is a good program. It deserves our enthusiastic support for all the right reasons.

Let me once again commend the gentleman from New York (Mr. SWEENEY) for the leadership he has provided, and let me once again proudly associate with my colleagues on the Committee on Transportation and Infrastructure for doing the deed today.

Let me leave with this thought from Henry David Thoreau who said in Walden back in 1854: ''A lake is the landscape's most beautiful and expressive feature. It is earth's eye: looking into which the beholder measures the depth of his own nature.''

1400

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment.

Mr. BORSKI. Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time and also to thank him for his leadership on this issue and so many issues that come before the Committee on Transportation and Infrastructure.

I also want to commend our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and our full committee chairman, my colleague, the gentleman from Pennsylvania (Mr. SHUSTER), for working with us in a bipartisan manner which is, of course, the way this committee always works; and again I would add that is why we are so successful.

I also want to commend the gentleman from New York (Mr. SWEENEY), the author of this bill, for pushing and shoving and making sure this piece of legislation comes before us.

Mr. Chairman, I want to rise in strong support of H.R. 2328, a bill to reauthorize the Environmental Protection Agency's Clean Lakes program. The Clean Lakes program was enacted in 1972 with the passage of the Clean Water Act, to provide additional funding to assess and control pollution levels in our Nation's lakes.

This program has served as a valuable resource for States to identify the sources of pollution, as well as to develop and implement programs aimed at reducing pollution levels in and restoring the quality of lake systems.

The bill we are considering would reauthorize the Clean Lakes program, providing up to $50 million annually through 2005.

In addition, in order to address the persistent problems of high acidity in our Nation's lakes, this legislation would increase the authorization for programs aimed at reducing the levels of toxins present in these water bodies.

Funding under this program could be used in developing new and innovative methods of neutralizing and restoring the natural buffering capacity of lakes, as well as other methods for removing toxic metals and other substances mobilized by high acidity.

Finally, H.R. 2328 would add four additional lakes to the list of priority demonstration projects authorized under the Clean Lakes program.

These lakes have been identified by the Committee on Transportation and Infrastructure as regionally significant and deserving of additional attention under this program.

Mr. Chairman, I urge an aye vote on this legislation. I again want to thank the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for yielding me this time.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY), the principal author of this legislation.

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

Mr. SWEENEY. Mr. Chairman, I first want to start by thanking my chairman, the gentleman from Pennsylvania (Chairman SHUSTER), from the Committee on Transportation and Infrastructure for providing the great leadership, the great management skills and guidance throughout all of the dealings in the Committee on Transportation and Infrastructure; as well as the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI), the ranking member on the subcommittee.

When I came to Congress a year and a half ago, a lot of people said that Republicans and Democrats could not work together; we could not get the people's business done. I think if the American people were to look at the work being done by this Committee on Transportation and Infrastructure, they would be incredibly impressed. As a freshman Member of Congress, I know I am and I am thankful. I am thankful because this piece of legislation is being passed today at a very important time.

Recently, Mr. Chairman, the GAO released a study that I had requested on the problem of acid rain in the Adirondack Mountains, which is a region that is consumed by the 22nd Congressional District, which I represent. The results were striking. Many of our lakes in the Adirondacks are increasingly at risk from acid rain, much more than the EPA had originally forecast.

Despite power plant emissions reductions under the 1990 Clean Air Act amendments, nearly half of our lakes have shown an increase in nitrogen levels.

In fact, last year a similar EPA study showed an expansion of the effects of acid rain throughout. However, acid rain is not the only problem that our Nation's lakes are facing. They are facing problems such as invasive species, degraded shorelines, mercury contamination, wetland loss, lake-use conflicts, fisheries imbalances, and nonpoint source pollution, are all threatening our 41 million acres of freshwater lakes.

This is part of the reason why I introduced H.R. 2328, and the other is because my district, as in many parts of the Nation, the lakes are a way of life. They provide a quality of life for the citizens who live near them. Whether it is tourism, drinking water, the natural habitat for many species of birds, fish and other animals, or simply recreation, many communities derive their livelihood from freshwater sources.

Additionally, Mr. Chairman, I should point out that I have been disappointed in the EPA's attempt to shift funding requests under this program to section 319, which deals with nonpoint source pollution management. Our lakes are important enough to qualify and compete with other programs for Federal funding, and that is why we need this reauthorization program today.

I believe this program is something we can all agree on. During its heyday in the 1970s and the 1980s, this program was popular with grass-roots organizations and citizens because it offered them the opportunity to work with Federal, State, and local entities on both prevention and remediation of pollution.

Fundamentally, this program focuses on restoration, not regulation. Some of the past successes included what happened in the State of Florida, when they did an assessment of the 7,000 freshwater lakes to set up a lake management priority system. The grant helped the State prioritize its lakes and their watershed for remedial management programs.

In New York and Vermont they used a grant and teamed up to assess phosphorus pollution in Lake Champlain and set up a plan to monitor the phosphorous load in the lake.

North Dakota used a clean lakes grant to seek correlations between micro-invertebrate communities and the trophic status of lakes.

The results of these grants can help other States that might face similar problems, and without this program States and their communities will probably not have the resources or technical expertise to conduct studies for themselves.

Mr. Chairman, this is a positive environmental initiative that I think a broad group of philosophies in this House can agree upon. It will provide resources to the most local levels of government to address environmental challenges in our lakes.

Previously, the Clean Lakes program was a uniquely effective, cost-efficient environmental program that provided seed money to State lake programs to projects on public lakes.

Mr. Chairman, I urge all of my colleagues to support this important legislation, and again I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) for his leadership on this issue.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time; and the gentleman from New York (Mr. SWEENEY) for his leadership; the gentleman from Minnesota (Mr. OBERSTAR) for his leadership.

Mr. Chairman, I rise in strong support of H.R. 2328, a bill to reauthorize the Clean Lakes program. This program recognizes the beauty and value of our lakes and the need to protect and restore these wonderful resources. It is high time we reauthorize and fund the Clean Lakes program.

As we know, the Clean Lakes program was established in 1972 as part of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act. The authorization expired in 1990, and the program has not been funded since 1995 when the EPA stopped requesting money to run it.

While the EPA may have stopped requesting money for clean lakes, I have not, since New Jersey has many lakes that need attention and immediate attention. As a member of the Subcommittee on VA, HUD and Independent Agencies, I have consistently supported a separate appropriation for the section 314 program. Perhaps with the passage of this bill, a clean lakes earmark will now be possible at the appropriations level.

As we know, section 319 deals with watershed restoration issues. Section 314 deals with lake monitoring and protection and management issues. Although related, these two issues are different and should not have to compete for limited dollars.

Mr. Chairman, we have had a sad experience in New Jersey where the lumping together of section 314 and section 319 simply has not worked. This bill would move us towards correcting that problem, and I strongly support it.

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

Mr. Chairman, the very great significance of this legislation is underscored in many of the lakes and the communities throughout Minnesota. We are blessed, as other less fortunate communities across the country would like to be, in that many of our towns have a lake right in the town. Over the years, before the 1960s, before we had a clean water program, many towns just allowed their storm sewers to discharge into the lakes. Many even allowed their sanitary sewers, after primary treatment, to discharge into lakes. Then they began to realize what an important resource the lake is and diverted sewage away from it and diverted street runoff away from the lakes, although many in the northern tier continued to pile up snow from winter storms on the lake. Where else? It seemed sensible. Let it melt, add to the lake's waters. Now we know that there is pollution in winter as well as in summer. Cities now avoid that tragedy inflicted upon the Nation's lakes.

So what we have is many lakes that should be great resources for swimming, for tourism, for boating, for fishing, that have substantial amounts of pollution embedded in the lake bottom. In the sediment under those waters, plants grow up, transmit the pollutants to the fish who feed on the plant life, and then humans consume the fish and in turn find embedded in their body cells the pollutants that we all know are so harmful.

Why is this legislation so important? Because cities can have access to funds to develop plans to clean up those lakes, restore them perhaps not to their pristine original condition created by the glaciers when they retreated 10,000 years ago, but at least to be swimmable, to be fishable, to be usable, to be a community attraction rather than a point of shame for a community.

This legislation will provide States, through States to communities, the resources, financial resources, they need to make their lakes the great treasures that they should be. As the gentleman from New York (Mr. BOEHLERT) so poetically described in the closing words of his remarks on the House Floor, lakes should be the eye through which a community sees itself and sees its treasurers.

So I have great hopes for this legislation; and I want to take this opportunity to urge the administration to, in the future, include funding for the Clean Lakes program, which they have not done for several years, and to urge our colleagues on the Committee on Appropriations, it was very encouraging to have the gentleman from New Jersey (Mr. FRELINGHUYSEN) address the issue rather directly, that enactment of this legislation will give the Committee on Appropriations an opportunity to provide funding for the Clean Lakes program. That will be the ultimate success of this legislation.

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

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

Mr. Chairman, I urge an aye vote on H.R. 2328, the Clean Lakes program, because it helps restore and protect our Nation's 41 million acres of freshwater lakes. It helps States clean up their lakes, and it mitigates the harmful effects of high acidity like acid rain.

Now, one may ask why is this particular bill, H.R. 2328, needed? It is because of the pollution or habitat degradation that impairs 39 percent of the 17 million acres which have already been surveyed. EPA currently requires States to stretch their limited nonpoint source funds to clean up their lakes. H.R. 2328 restores a national focus and priority on our lakes.

I think it was very instructive, as the distinguished ranking member pointed out, the problem of such things as acid rain and how in Europe acid rain from the Ruhr Valley caused problems all the way up in Sweden.

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Certainly here in the United States, acid rain knows no State boundaries. Indeed, that is one of the reasons why we need to have a national program, because certainly acid rain is something that crosses State lines, and the acid rain from one State can very seriously damage the lakes of another State, as has, in fact, been the case.

Now, the background to this program, which was established under section 314 of the Clean Water Act, provides for financial and technical assistance to States in restoring publicly owned lakes. In recognition of the unique water quality challenges, facing our Nation's lakes, Congress included the Clean Lakes Program as part of the original 1972 Clean Water Act.

Section 314 contains various State assessment and reporting requirements, a national demonstration program, and an EPA grant program for assistance to States in carrying out projects and program responsibilities.

On June 23, 1999, the gentleman from New York (Mr. SWEENEY) introduced H.R. 2328. This was referred solely to the Committee on Transportation and Infrastructure. H.R. 2328 would reauthorize funding for the Clean Lakes Program for fiscal years 2000 through 2005, and would increase the authorized annual funding levels from $30 million to $100 million.

On October 18, 1999, the Subcommittee on Water Resources and Environment held a hearing on Clean Lakes and Water Quality Management and on H.R. 2328. On March 8, 2000, the Subcommittee on Water Resources and Environment marked up H.R. 2328.

The subcommittee adopted an amendment in the nature of a substitute. This amendment, A, reduced the funding authorization from $100 million annually to $50 million annually; and, B, added additional lakes to the list of lakes to receive priority consideration for demonstration projects; and, C, increased the special authorization of financial assistance to States to mitigate harmful effects of high acidity from acid deposition or acid mine drainage from $15 million to $25 million; and, D, prevented the report to Congress on the Clean Lakes Demonstration Program from expiring under the Federal Reports Elimination and Sunset Act of 1995.

The subcommittee reported H.R. 2328, as amended, favorably to the full committee. On March 16, 2000, the Committee on Transportation and Infrastructure reported the bill as amended by the subcommittee by unanimous voice vote.

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

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair how much time remains on each side.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 16½ minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 14½ minutes remaining.

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

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. Mr. Chairman, I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I thank the gentleman from Minnesota for yielding to me.

Mr. Chairman, I am very interested in working with the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, concerning Lake Apopka in Florida.

Florida, as my colleagues know, is one of the third largest States, and Lake Apopka is the second most polluted lake in the State of Florida.

We have been harmed by many years of agricultural storm water discharges, as well as historical discharges of both domestic and industrial waste water. Because of this, this particular lake has been in the news. Many Federal officials have come down, and there is a lot of concern as to how this relates to the community.

I am hoping that the committee will look into Lake Apopka as we move this bill through the process and consider adding this to the list.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, could the gentlewoman from Florida describe for us the size of the lake in acres. Does the gentlewoman from Florida have that information available?

Ms. BROWN of Florida. Mr. Chairman, if the gentleman will yield, I do not have it, but I will have that information for the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I ask the gentlewoman from Florida, are boating activities prevalent on the lake? I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Yes, sir. Mr. Chairman, in fact, I have been in touch with the Water Management District, and they will forward that information.

In reviewing the bill, I was very concerned that Florida was not represented in the bill. Of course this lake is crucial to the State of Florida.

Mr. OBERSTAR. Mr. Chairman, I ask the gentlewoman from Florida, is it a lake that is used considerably for fishing as well?

Mr. Chairman, I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Fishing, Mr. Chairman. But, as I said, there has been a shift in the usage because of the contamination of the lake.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, but because the lake waters are contaminated, the fish are probably not fit for sustainable human consumption.

Ms. BROWN of Florida. Mr. Chairman, if the gentleman will further yield, that is correct. Also, there has been a shift in the vegetation and wildlife in communities around the lake because of the polluted facility.

Mr. OBERSTAR. Mr. Chairman, this certainly is the type of lake and these are the conditions that this legislation seeks to address. The authority provided in the legislation for grants to States and through States to municipalities is the appropriate venue for the gentlewoman from Florida (Ms. BROWN) to pursue this matter.

We will certainly, on the committee, be very happy to support the gentlewoman's interest in seeing that there are adequate resources when appropriations are made. There are no appropriations available now. The point of this legislation is to authorize expanded funding through a program from EPA of grants to States and through States to municipalities or other lesser units of government that then will undertake cleanup plans.

It would be useful if the gentlewoman from Florida (Ms. BROWN) could provide us with any restoration plan that either the city or county or joint powers agreement authority may have developed for the cleanup of this lake and any other supporting information, as the gentlewoman has already indicated. I am sure the gentleman from Pennsylvania (Chairman SHUSTER) will support us in the initiative of appealing to EPA at the appropriate time for consideration of this project.

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

Mr. OBERSTAR. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I certainly concur with the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. BROWN) and will be very happy to work on this with them to find an adequate and acceptable solution.

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), the principal author of this legislation.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me the time. I echo the thoughts of the gentlewoman from Florida (Ms. BROWN) and hope that we can work together in finding a solution.

The beauty of this legislation really is that it provides an opportunity for localities and people in communities to really interact and do some positive proactive work.

I have got a letter here from a Robert Mac Millan, who is the chairman of the Saratoga Lake Protection and Improvement District. I would like to read it because it will give people the sense of the kinds of things and kinds of people that are interested in this.

Dear Congressman SWEENEY:

I am writing to you in support of your Clean Lakes Bill which will be the subject of a legislative hearing.

I am the Chairman of the Saratoga Lake Protection and Improvement District (SLPID). The SLPID was created as political subdivision of New York State in 1986 to supervise, manage, and control Saratoga Lake. Our primary responsibilities are to enhance recreational use of Saratoga Lake, protect real property values, conserve fish and wildlife and enhance the scenic beauty of the Lake. We are funded primarily by a special tax assessment placed by lakefront property owners. This tax assessment was increased 65.9 percent for the tax year 2000 and will still fall short of funding necessary to control all of the actions we need on the Lake.

Saratoga Lake is experiencing a major increase in aquatic weed growth and zebra mussels which adversely affects all aspects of our Lake. One of the most invasive weeds is Eurasian Water Milfoil, a plant not native to North America. Our primary method of weed control has been mechanical harvesting, but we find that harvesting is not accomplishing control of the aquatic weed problem. We have applied for a permit from New York State Department of Environmental Conservation to treat two of the problem areas in the Lake with aquatic herbicide. This treatment will be closely monitored for effectiveness and incorporated in a lake watershed and management plan which is presently ongoing.

I am aware of the Federal Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 which was to mitigate the financial impact of non-indigenous aquatic species such as Eurasian Water Milfoil and zebra mussels on local governments. Our current effort to control the weed in Saratoga Lake through the use of an EPA and New York State approved herbicide may be an excellent demonstration project which could be useful to other lakes experiencing similar problems with non-native aquatic species. Providing our treatment efforts are successful this year we hope to obtain funding to accomplish a whole lake treatment during 2001.

Mr. Chairman, I read this letter and bring this letter to the floor to point out this will be the norm. This will be the norm that occurs throughout this Nation as we fight to preserve our clean water sources.

This bill being passed today is coming at a crucial time, as I stated before, especially since we have taken many significant steps in the last decade to reduce the effects of pollutants, especially nitrates and sulfur dioxide throughout. But in some respects, we are losing that battle.

This will provide us a ground-up approach to that effort. This will give us the opportunity for people in the local communities to fight for these valuable resources. I am very proud to be the sponsor of this bill, and I look forward to its implementation.

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

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

The CHAIRMAN. All time for a general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

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

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

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. GRANTS TO STATES

Section 314(c)(2) of the Federal Water Pollution Control act (33 U.S.C. 1324(c)92)) is amended by striking ''$50,000,000'' the first place it appears and all that follows through ''1990'' and inserting ''$50,000,000 for each of fiscal years 2001 through 2005''.

The CHAIRMAN. Are there any amendments to section 1?

There being no amendments to section 1, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting ''Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;'' after Sauk Lake, Minnesota;'';

(2) in paragraph (3) by striking ''By'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by''; and

(3) in paragraph (4)(B)(i) by striking ''$15,000,000'' and inserting ''$25,000,000''.

The CHAIRMAN. Are there any amendments to section 2?

There being no amendments to section 2, are there further amendments to the bill?

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

At the end of the bill, add the following:

SEC. 3. PROHIBITION OF BULK FRESH WATER SALES FROM GREAT LAKES.

Section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) is amended by adding at the end the following:

''(e) PROHIBITION OF BULK FRESH WATER SALES FROM GREAT LAKES.—

''(1) IN GENERAL.—As a condition of the receipt of grant assistance under this section in a fiscal year, the Administrator shall require a State to provide assurances satisfactory to the Administrator that the State will prohibit in such fiscal year the sale of bulk fresh water from any of the Great Lakes.

''(2) BULK FRESH WATER DEFINED.—The term 'bulk fresh water' means fresh water extracted from any of the Great Lakes in amounts intended for transportation by tanker or similar form of mass transportation, without further processing. The term does not include drinking water in containers intended for personal consumption.''.

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

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

There was no objection.

Mr. STUPAK. Mr. Chairman, I rise today to offer an amendment which is very important to the residents in my district and many congressional districts throughout the Great Lakes region.

My amendment would prevent the sale of fresh water from our Great Lakes. Our precious water resources should not be sold to the highest bidder, and we must ensure that this cannot happen.

Our Great Lakes are a tremendous recreational resource. They provide boating, water skiing, fishing, and swimming opportunities. Our lakes are also a tremendous source of drinking water. Most notably, of course, are the Great Lakes, which contain 20 percent of the world's fresh water supply.

The 35 million people residing near the Great Lakes have always appreciated the lakes' beauty, vastness, cleanliness, and now they must appreciate that it is also a targeted commodity.

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In 1998, a Canadian company planned to ship 3 billion liters of water from Lake Superior over 5 years and sell it to Asia. I offered legislation that was passed by the House of Representatives that called on the United States Government to oppose this action. The permit was subsequently withdrawn. The demand for water continues, however, as freshwater supplies dwindle throughout the world.

In the United States, each person consumes 100 gallons of water each day. The global demand meanwhile doubles every 21 years. Think about it. The world water demand doubles every 21 years. The World Bank predicts that by 2025 more than 3 billion people in 52 countries will suffer water shortages for drinking or sanitation. Where, I ask, will countries find clean, fresh water? They will look to alternative sources, sources which are outside their area and, more likely, outside their borders.

It is understandable, therefore, that the pristine water of our Great Lakes will be targeted. The method is real. The threat is real. To those who say the bulk shift of fresh water is not economically feasible, I say, look around us. From Newfoundland in Canada, to Lake Superior in Michigan, to Alaska, several companies are competing to ship our precious freshwater resources overseas.

For those who take a short-term view of protecting this resource, bulk sales of fresh water must seem irresistible. Throw a hose in the water, hook up a pump, and fill an ocean tanker. Maximum profits with minimum overhead. A windfall if a State wanted to license this kind of operation.

Yes, our Great Lakes are renewable; but they are not replaceable. I am very concerned that shortsighted policies could allow for large-scale diversions of Great Lakes water, threatening the environment, the economy, and the welfare of the Great Lakes region.

We are not merely citizens of the Great Lakes. We are their guardians. We are their stewards. We are their protectors. We encourage conservation, and we return 95 percent of all the water taken from the Great Lakes.

Setting aside global water use and trade policies, I ask Members to consider how bulk diversion of Great Lakes water could jeopardize our efforts to be good stewards. In terms of water quality, if we permit bulk diversions to further lower water levels, we increase the concentration of runoff contaminants, of fuel pollution. As lake levels drop, which they are now, we increase the need for dredging to maintain our vital waterways, further compounding the problem with toxic sediments.

We must consider all threats posed to our Great Lakes. We must be conscious of the threat posed by the sale or diversion of Great Lakes water just as carefully as we weigh the impact of the invasive species or drilling for gas and oil in the Great Lakes. None of these concerns are truly independent of one another in terms of their potential impact on the 35 million people who depend on our most vital natural resource, the Great Lakes, our great treasures.

My amendment would withhold grant assistance from Great Lakes States which allow the sale of bulk fresh water from the Great Lakes. This restriction would apply to water extracted from a lake for mass transportation without further processing and does not apply to bottled water used for consumption.

The cleanup of our lakes will preserve their beauty for generations to come. The ban on water sales from our Great Lakes will also preserve their beauty and our greatest natural resource for generations to come.

I urge my colleagues to support my amendment.

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

I rise not so much in opposition to the concept. In fact, not at all in opposition to the concept. I support very vigorously the idea that the gentleman is trying to advance, but I do not support the vehicle that he has chosen to approach this subject.

The matter of diversion of water from the Great Lakes is an issue of very great concern to those of us who live in this heartland of the United States. The Great Lakes represent 20 percent of all the fresh water on the face of the Earth. Lake Superior represents half of that water. Lake Superior is equal to all the water of the other four Great Lakes. It is a vast resource. The only other lake in the world that approaches the volume and the enormity of Lake Superior is Lake Baikal in Russia.

We have been vigilant, on both the U.S. and the Canadian side, about the water quality, about the volume of water, through the international joint commission; about the rising or falling levels of water in the Great Lakes. We have also been concerned that there may be attempts by water-short areas of the North American continent and water-short areas of other places on the face of the Earth that may have their eyes fixed on the Great Lakes.

Beginning with the coal slurry pipeline in 1970, the eyes of the western States were fixed on the Great Lakes, admittedly under the guise of selling low sulfur coal in an economical transport means of pipeline to the lakehead in Duluth, where then it could be transferred to tankers for lower lake port power plants. But those of us who maintain vigil on the shores of Gitche Gumee said this also has the capacity of draining the water out of the lakes. They could reverse those pumps. Once they are that close to Lake Superior, they could just drop a pump in the lake and start shipping the water westward. We vigorously opposed and ultimately stopped the coal slurry pipeline.

In 1986, in furtherance of this concern, I offered an amendment in committee in the Water Resources Development Act, in cooperation with Democrats and Republicans throughout the Great Lakes States, to require, before any water could be diverted out of any of the Great Lakes, unanimous consent of the governors of the Great Lakes States and, though we could not bind, the province of Ontario. That province is so vast it covers all five of the Great Lakes. And we succeeded in getting that language enacted. It has been successful until very recently in scaring off potential diverters.

Then, in 1998, a Canadian company based in the Province of Ontario got up the idea of selling, in bulk means, water from Lake Ontario to overseas sources. An immediate outcry rose in the Province and, of course, on the U.S. side of the Great Lakes that resulted in the Province of Ontario denying a permit to withdraw water. But the potential remains for withdrawing water from one of the Great Lakes and bottling it in little containers. And if it can be bottled in pint and quart and gallon and 5 gallon sizes, then what is to prevent someone from shipping it in larger containers of 5,000 or 10,000 gallons or more?

So the concern of my good friend, who maintains a watchful eye from his northern peninsula, upper peninsula, a Michigan outpost, on the lake is well placed and fully founded and justified.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

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

Mr. OBERSTAR. So I compliment the gentleman, Mr. Chairman, on his vigilance on this matter, but I feel that the vehicle is not appropriate. It has, first of all, not had widespread scrutiny in our committee. We have not had an opportunity until just now to review the approach the gentleman takes.

It has been my intention that, in cooperation with the gentleman from Michigan and others of our colleagues in the Great Lakes States, to approach this subject in the forthcoming Water Resources Development Act of 2000.

I would like to ask my colleague if he would consider withdrawing the amendment, preserving the option and, of course, protecting his right to come forth in the WRDA bill and to cooperate with us in a similar venture.

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

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the ranking member for yielding. If there is going to be a WRDA bill, that is the first if. Secondly, if we will be given an opportunity to offer the amendment.

We have a bill; it is 2595. As the gentleman knows, the International Joint Commission on February 22 put forth their recommendations on what should be done to not only stop vast transfers of water out of the Great Lakes region but also what should be in the meantime to make sure the States provide the necessary data and information so we can make intelligent decisions concerning our water resources. Not just for transfer or sale but also for the ecology of it, for the environment, and for the conservation.

So if we would have a WRDA bill, and if we were to be given the opportunity to appear before the committee to present H.R. 2595, my bill on the Great Lakes, or a modified version taking in the International Joint Commission's recommendations, I would be willing to entertain that.

I see we probably have a number of more speakers, so I would like to hear the other speakers before I withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has once again expired.

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

Mr. OBERSTAR. Mr. Chairman, if I might inquire of the gentleman from Pennsylvania (Mr. SHUSTER) regarding the formulation. I think we may be at the end of hearings, or there may be an opportunity for further hearings on the WRDA bill, but it is my understanding that the chair of the Committee on Transportation and Infrastructure intends to proceed with a WRDA bill for 2000.

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

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, it is certainly our intention to move the WRDA bill this year, WRDA 2000. The administration just sent their bill up, so we will be dealing with it.

And I would say to my good friend from Michigan that we certainly want to work with him. I do not think this is the appropriate vehicle. The WRDA bill would seem to be more appropriate.

We just received this amendment, literally handed to us. So while we are aware of the basic issue the gentleman is attempting to address, which is complex and which is very important, we are quite happy to work with the gentleman to see if we cannot accommodate him on a more appropriate vehicle, such as the WRDA bill or another related piece of legislation.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, it does seem to me that WRDA is the appropriate vehicle, and I further yield to the gentleman from Michigan.

Mr. STUPAK. The few times I have done bills on Great Lakes to preserve and protect the Great Lakes, they have been bipartisan bills. I would like to remain in that bipartisan atmosphere. At times, it gets a little difficult, when we have people outside the Great Lakes coming into our region and our districts and making wild statements about our lack of protection of the Great Lakes. So we are always vigilant to look for opportunities to protect our Great Lakes and our Great Lakes resources.

As long as I am a Member of Congress, I will continue to work day in and day out to protect the Great Lakes. Based upon the assurances from the chairman and the ranking member, however, I will look forward to working with both the chairman and the ranking member to work to protect the Great Lakes in the WRDA bill, WRDA 2000.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, I want to thank the gentleman for his leadership on this issue, for his vigilance, his concern, and for his statesmanship in making this unanimous consent request. And I want to assure the gentleman that we will work very closely and very diligently toward his objective.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. —. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

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

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

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

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

Mr. SHUSTER. Mr. Chairman, reserving the right to object, we do not know what this amendment is, have not seen it or heard about it, have not smelled it. This is a surprise.

Mr. TRAFICANT. Mr. Chairman, this is a standard Buy American amendment that has been added to every transportation bill that we have offered.

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The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has an amendment to this bill at the desk.

Mr. TRAFICANT. Yes, I do, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, I reserve the right to object. May we have a copy of the amendment.

The CHAIRMAN. The Clerk will rereport the amendment.

The Clerk rereported the amendment.

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

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

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) has reserved a point of order.

The gentleman from Ohio (Mr. TRAFICANT) is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, I would like to notify the committee that I did bring this to the floor earlier this morning but I have been testifying before the Committee on Ways and Means and would have apprised the leadership of it. But it is an amendment that has been passed to every probation bill and every authorizing bill that involves the expenditures of funds. It has not been a controversial bill in the past. I do not believe it should be at this point.

In any event, it encourages the purchases of American-made products. Anyone who gets assistance under the bill shall get a notice of Congress intention to urge them, wherever possible, to buy American-made products.

Finally, anyone who is getting these funds give us a report back when they spend the money how they spend that money.

Now, we are running about a $300 billion trade deficit. I think if we are going to go ahead and spend money for goods and services that those goods and services, wherever possible, should be American goods and services.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I am pleased to withdraw my point of order. Having had the opportunity now to see the amendment, it is a buy-American amendment, which I have vigorously supported in the past and am happy to support today.

Mr. TRAFICANT. Mr. Chairman, I appreciate the comments of the gentleman, and I apologize to both gentleman from having not been here to explain it to them earlier.

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

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

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the gentleman from Ohio (Mr. TRAFICANT), of course we have had buy-American provisions in other legislation of this committee. But the Part B of the sense of Congress, does the notice to recipients in Part B flow from the sentence in the previous subsection (a), that is, the sense of Congress, so that Part B is also a sense of Congress and not a requirement in law that, in providing financial assistance, the head of each agency shall provide a notice?

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, section (b) states that, even though it is the sense of the Congress that they are not mandated to buy American, section (b) mandates that the agency shall at least make notice that the Congress encourages the purchase of American products.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will continue to yield, the sense of Congress language terminates with subsection (a) but subsection (b) is a requirement upon Federal agencies to provide notice.

Mr. Chairman, may I inquire of the gentleman from Pennsylvania (Mr. SHUSTER), is that the understanding of the chairman?

Part B of the Buy-American provision is a requirement upon Federal agencies providing assistance to provide a notice and to report.

Mr. Chairman, is that consistent with the understanding of the chairman? I just want to make this clear.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I guess that is what the language says. There might be a technical problem with some of the language which we would have to work out in conference here.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time to clarify the concern of the gentleman from Minnesota (Mr. OBERSTAR), the Congress urges the recipients of this money to buy American, but the Congress also requires those agencies that give the money to give them a notice that Congress does encourage them to buy.

They are not compelled to buy, but what they are compelled to give is a notice and give us a report on the activity.

Mr. SHUSTER. Mr. Chairman, if the gentleman will continue to yield, is it his understanding that this applies only to the legislation before us today?

Mr. TRAFICANT. Mr. Chairman, absolutely, to this specific bill and this bill alone. I will have another amendment for his next bill very similar.

Mr. Chairman, I urge an ''aye'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, pursuant to House Resolution 468, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CHESAPEAKE BAY RESTORATION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 470 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3039.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Chairman, I certainly want to commend the gentleman from Virginia (Mr. BATEMAN) for his leadership on this legislation that is going to help protect one of our national treasures, the Chesapeake Bay.

The Bay has a 64,000 square mile watershed and is home to over 15 million people and more than 3,000 plant and animal species. Bay restoration efforts are working well. Striped bass, underwater grasses are back, toxic releases are down, more than 67 percent since 1988 in fact, and the nutrients have been reduced.

However, parts of the Bay remain impaired. This legislation will strengthen cooperative efforts to address the remaining work to be done to restore and to protect the Bay.

I would emphasize that this legislation passed the subcommittee and the full committee unanimously by a voice vote, and I know of no controversy.

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

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

Mr. Chairman, I strongly support H.R. 3039, the Chesapeake Bay Restoration Act. The Chesapeake Bay is one of the great estuaries of the world, perhaps the greatest, the meeting place of salt and fresh water where new forms of life are created.

Those forms of life, whether new forms or existing ones, are increasingly endangered in the world's estuaries by the pollution that we discharge into the waters and into the meeting places.

In 1983, the Federal Government and the States of Virginia, Maryland, Pennsylvania, as well as the District of Columbia, signed the first Chesapeake Bay Agreement. Four years later, the Federal Government and the Bay States and the communities within them reached agreement on the problems facing the Bay, the shared responsibility for deteriorating conditions, and on the joint actions that were needed to slow and reverse the destruction of this resource.

In the past 17 years, the hard work of all those involved is beginning to bear fruit. The Bay is showing signs of improvement. But the work is never over.

This legislation will take a further step toward improvement of water quality and improvement of the overall health of the Bay ecosystem.

The legislation will reauthorize the Environmental Protection Agency's successful Chesapeake Bay Program for an additional 6 years, giving stability and strength to this very important initiative. It will increase the program funding level. The Program Office of EPA has been very successful in working collaboratively with the States and the communities adjacent to the Bay in identifying causes of pollution, building partnerships to restore the health of that enormous resource.

Under this legislation, EPA will continue the cooperative collaborative approach of developing interstate management plans, control harmful nutrients, control the addition of toxins to improve water quality, and restore habitats to the ecosystem.

In addition, the legislation will incorporate into the Chesapeake Bay Agreement those improvements jointly recommended by the participating States, including recommendations for the administrator and authority for the administrator to approve small watershed grants to fund local governments and nonprofit organizations for local protection and restoration programs.

If we do not address the health of the Bay by including the watersheds that drain into that Bay, we have not accomplished the purpose of preserving, restoring, and enhancing the quality of the waters of the Bay. That, I think, is the most important feature of this legislation, that it deals with the watershed and not just with the discharge points.

I strongly support the legislation and urge an ''aye'' vote.

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from New York (Mr. BOEHLERT), the chairman of the Subcommittee on Water Resources and Development.

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

Mr. BOEHLERT. Mr. Chairman, I thank the chairman for once again providing, along with the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, leadership on the full committee. I want to express my deep appreciation to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of our Subcommittee on Water Resources and Development.

Once again, this is time to highlight something that needs to be highlighted. We do not do it often enough. I know we do it in the Committee on Transportation and Infrastructure. We do a lot of things exceptionally well. But we have the best professional staff anywhere on the Hill or in any governmental unit and they deserve a lot of praise.

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I will defer to the gentleman from Virginia (Mr. BATEMAN) and the gentleman from Maryland (Mr. GILCHREST), people who live in the zone who are just married to the Chesapeake Bay and who know so well the importance of that great resource and what we need to do to make certain we move forward to restore it.

With that, let me thank all who have been partners to this venture. We have come a long way. We have got further to go. We are going to get there together.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment, who has maintained a vigilant eye on the bay and on the water quality thereof.

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

Mr. BORSKI. Mr. Chairman, let me first thank the gentleman for yielding me this time. I rise in strong support of H.R. 3039, the Chesapeake Bay Restoration Act of 1999. This legislation would reauthorize the successful Chesapeake Bay program for an additional 6 years. This program, operating with the Environmental Protection Agency, has been very effective at protecting and restoring the Chesapeake Bay ecosystem through workable partnerships among the Federal Government, the District of Columbia, and the States surrounding the bay watershed. I also want to acknowledge, Mr. Chairman, the outstanding work of the gentleman from Virginia (Mr. BATEMAN) in developing and pursuing this legislation.

H.R. 3039 builds upon the success of the Chesapeake Bay program by incorporating within it several improvements which have been recommended by the Federal Government and the other signers of the 1987 Chesapeake Bay agreement: Virginia, Maryland, the District of Columbia, and my home State of Pennsylvania. Included within this bill is authority for a new small watershed grants program. Funding for this new program would be available to local governmental and nonprofit organizations as well as individuals in the Chesapeake Bay region to implement local protection and restoration programs in the watershed to improve water quality and create, restore or enhance habitat within the ecosystem. Mr. Chairman, the Chesapeake Bay is a national treasure struggling toward restoration. This legislation will add greatly in that restoration. I urge an aye vote on this legislation.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. BATEMAN), the principal author of this legislation.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time. I would like to say to him and to the ranking member and to all those who have addressed this subject matter today that I am proud to have lived near the shores of the Chesapeake Bay all but 5 years of my life. It is a very dear part of the world. I am proud to have been associated with the creation of the original Chesapeake Bay program and its original authorization and my role in convincing the then Reagan administration that it should be the bellwether of their environmental program, which even deserved mention in the President's State of the Union address.

The Chesapeake Bay program is the unique regional partnership that has been coordinating the restoration of the Chesapeake Bay since the signing of the historic 1983 Chesapeake Bay agreement. As the largest estuary in the United States and one of the most productive in the world, the Chesapeake Bay was the Nation's first estuary targeted for restoration and protection. The Chesapeake Bay program evolved as the means to restore this exceptionally valuable resource. H.R. 3039 will continue the cooperative Federal, State, and local efforts that already have successfully achieved progress restoring the bay.

Since its inception in 1983, the bay program's highest priority has been restoration of the bay's living resources. Improvements include fisheries and habitat restoration, recovery of bay grasses, nutrient and toxic reductions, and significant advances in estuarine science. However, parts of the bay remain impaired. Nutrients are still too high, oyster populations have been in severe decline, and water clarity still has a great deal that needs to be done to improve it. By passing H.R. 3039, the House will declare its commitment to saving the bay.

The Chesapeake Bay program has not been reauthorized since the expiration of the Clean Water Act of which it was a component. Although the program has continued to receive funding annually since then, it is important that the Congress express its continued support for the cleanup and preservation of the Chesapeake Bay. The Chesapeake Bay Restoration Act would do just that, reauthorizing the program from 2000 to 2005. In addition, the bill requires the submission of reports both to the Congress and the public describing the activities funded by the program and its accomplishments.

The Chesapeake Bay is one of the most vital natural resources in the United States. Please join me in supporting the enhancement of a program that has done so much to preserve this wonderful resource.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), who has been a vigilant participant in protecting the resources of the bay. I am grateful for his leadership.

Mr. CARDIN. Mr. Chairman, let me thank the gentleman from Minnesota for yielding me this time, but more importantly let me thank the leadership on both sides of the aisle for bringing forward this very, very important bill. I think we all can be very proud of what we have been able to do in the Chesapeake Bay, the Federal Government being one of the major partners. I particularly want to acknowledge the work that the gentleman from Virginia (Mr. BATEMAN) has done over his entire congressional career on the Chesapeake Bay.

The constituents of my district and in Maryland, indeed the entire Nation, are very much gratified by what we have been able to accomplish through the leadership here in Congress. I see the gentleman from Maryland (Mr. GILCHREST) who has been another one of the real leaders on the Chesapeake Bay issues. This has been one of the largest voluntary multijurisdictional water quality and living resource restoration programs in the history of our Nation, and it has been a model program that we can now use in many other multijurisdictional bodies of water.

I was Speaker of the House in Maryland in 1983 when Governor Hughes on behalf of the State of Maryland joined with the governors of Virginia and Pennsylvania and the mayor of Washington and the administrator of EPA and signed a one-page 1983 agreement that started the Chesapeake Bay Restoration program with a Federal partnership. It has been a partnership of government, the Federal, State and local; it has been a partnership between government and the private sector; and it has worked.

We set one of the most ambitious goals for reducing pollutants in nitrogen and in phosphorus by 40 percent by this year. Mr. Chairman, we have come very close to meeting those goals in a watershed the size of 64,000 square miles. We have never attempted such a broad program in the past. I think we all can be proud. This reauthorization bill not only reauthorizes but expands it, increases the Federal Government's partnership in this effort, which gives us great hope for the future.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

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

Mr. OBERSTAR. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I had intended to offer an amendment requiring the administrator to commence a 3-year study to develop model water quality and living resource improvement strategies for areas impacted by development using work currently under way in the Patapsco/Back River tributary in the Baltimore, Maryland, metropolitan area. My amendment would have specified that the administrator's study, conducted with the full participation of local governments, watershed organizations, and interested groups, develop a coordinated mechanism and make various determinations and recommendations to achieve water quality and living resource goals in areas impacted by development with particular reference to Gwynn Falls, Jones Falls, and Herring Run watersheds.

Am I correct that the gentleman's intent is to encourage EPA, the Chesapeake Executive Council, and interested governmental and nongovernmental entities to work together on studies and strategies relating to water quality and living resources in areas impacted by development?

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

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. The gentleman certainly is correct. We want to acknowledge his strong interest in this particular issue. We appreciate his cooperation. We look forward to working with him and other colleagues on cooperative, consensus-based approaches to protecting the Chesapeake Bay.

Mr. CARDIN. I want to thank the gentleman for those kind words and also thank my friend again from Minnesota for yielding.

Mr. OBERSTAR. Mr. Chairman, we certainly share the view just expressed by the chairman on the gentleman's concerns and his intent, and we will look forward to working with the gentleman on a consensus-based, cooperative approach to protecting the Chesapeake Bay.

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Maryland (Mr. GILCHREST), one of the champions of the Chesapeake Bay.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time. This has been a bipartisan effort on both sides of the aisle, from the chairman of the committee to the gentleman from Minnesota (Mr. OBERSTAR). Certainly I would like to honor on this day the gentleman from Virginia (Mr. BATEMAN), who has worked literally his entire career on these issues and his heart is in this greatest of estuaries, which the gentleman from Minnesota has so eloquently stated. I also want to thank the gentleman from Maryland (Mr. CARDIN) for his efforts and all of us that have worked together on this particular issue.

When John Smith came here well over 300 years ago, there were a few thousand people in the watershed. Now there are over 15 million people in the watershed. With this new census, there might be 16 or 17 million people in the watershed. So things are difficult. To manage this watershed, we need more than just one State doing their job. We need a multistate effort to ensure that human activity is in such a way that we certainly encourage economic development; but we encourage that economic development to be in harmony with the natural processes of nature so the bay can continue to be restored.

I do not think we can ever get the bay back to the way it was when John Smith was here. We will never restore the bay to its original grandeur, and we will never solve the problem. From now until the end of time, the end of human habitation, this Chesapeake Bay program is going to be vital, because we continue to have development, we continue to have agriculture, we continue to have a whole range of issues, including air deposition from as far away as the Midwest causes about a third of the nutrient overload in the Chesapeake Bay.

And so this multistate agreement is vitally important for us to learn how to reduce the nutrients, and we have found some key factors; and we are becoming successful in that. One of the other issues of the Chesapeake Bay program is to bring the bay grasses back that provides the necessary habitat for the resource, which is crabs and fish and a whole range of other things in this marine ecosystem. The bay was not intended to be a desert. Maybe the Sahara Desert has a good ecosystem, maybe the Antarctic has a good ecosystem; but the Chesapeake Bay was intended to have grass, subaquatic vegetation for the natural ecosystem to abound. The Chesapeake Bay program is figuring out, with our help, the relentless, sometimes tiring, effort to bring that resource back to the bay.

Toxic pollution. With the Clean Water Act back in 1972 when they began to think about point source pollution, we began to solve that problem. We still have toxic pollution in the Chesapeake Bay, whether it still comes from chemical factories that we are trying to resolve and doing a good job at or point source pollutions like sewage treatment plants that need upgrades. Those are the kinds of issues that the Chesapeake Bay program deals with. It is vital.

The Chesapeake Bay program also deals with the fisheries. The oyster population is down over 90 percent from what it was at the turn of the century. Now that we are in a new turn of the century, it is time to bring those oysters back and in a manner in which nature intended, by building oyster reefs, maybe 10 feet high, maybe 20 feet high, to perpetuate that particular species. Striped bass recovery we know is pretty successful. The fisheries is a part of the Chesapeake Bay program.

I have one quick comment about a particular species called menhaden which also filters out certain nutrients in the bay like the oysters. The Chesapeake Bay program has recommended an ecosystem approach to that particular fisheries management plan where the menhaden, you give a few to the commercial watermen that use it for a variety of reasons, you give a few to the recreational fishermen, whoever wants to eat menhaden, pretty oily. But you also make sure that you give a certain number of menhaden to the rock fish that need it to sustain themselves, and you give a certain quantity of menhaden to the Chesapeake Bay so that a filtering action can occur.

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Mr. Chairman, the Chesapeake Bay program is vital.

I want to thank the gentleman from Virginia (Mr. BATEMAN) for his efforts, and I want to thank all the members of this committee that have moved this program forward. I urge an ''aye'' vote on this bill.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I want to thank the gentleman from Maryland (Mr. CARDIN), a fellow Pitt grad; the gentleman from Pennsylvania (Mr. SHUSTER), a Pitt grad; the gentleman from Virginia (Mr. BATEMAN); the gentleman from Maryland (Mr. GILCHREST), a leader on conservation issues; and the gentleman from Minnesota (Mr. OBERSTAR), I am proud to support this, but I have had some of my companies call me and want to know if there will be any of this debris in the form of truckloads of polluted material needing abatement that will become part of an RFP, because my companies would certainly want to bid on it.

I think that this legislation would require, if there is some polluted soil or some polluted sediment underneath the Bay, in the form of a colloquy, I will ask the chairman, would it require that perhaps some of this sediment be removed? Would this bill cover that?

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

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

Mr. OBERSTAR. Mr. Chairman, the answer to the gentleman's question will be found in each of the remedial action plans developed by the communities and the States and EPA in conjunction with each other. And those plans, depending on the nature of the problem to be addressed, may require sediment removal. Some of them, in fact, will require sediment removal, but we are not in a position to say which ones or how much.

That information, by the way, would be available from each of the States and from the localities because it all has to be part of the public record, and the companies in the gentleman's district can certainly access that information through the appropriate State agency.

I am quite certain that the remedial action plans for each community or council of governments or State will undoubtedly require some sediment removal in order to remove the toxics from the ecosystem.

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

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, there is annual dredging that takes place in the Chesapeake Bay, millions of cubic yards behind the three hydroelectric power dams in the Susquehanna River that have right now over 200 million cubic yards of sediment that eventually within the next 15 years has to be removed, otherwise the U.S. geological survey said it would smother the entire Chesapeake Bay floor if something is not done.

There are problems with the dredge material on an annual basis. There are problems with the dredge material behind the Susquehanna River damages. So if something could be worked out in the next few years to figure out where to put this stuff and if Ohio wants it, we would be more than glad to trade it out.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I know there has been some talk about possibilities of sediment, and when they start their remediation program, it will involve cleaning up those toxic polluted areas. The point I am making is exactly that, that there are some areas that do not have the capability of cleaning those soils, and I do have in my impoverished district companies that do, in fact, take soil and clean that soil and make it acceptable under EPA law.

Mr. Chairman, we would certainly want to have our companies on notice so if there is any RFP that have an opportunity to bid. That is why I made the mention, and I want to commend the gentleman from Maryland (Mr. GILCHREST) because I know he is probably the biggest fighter in the House for conservation purposes.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for his leadership in bringing this bill before us on the floor, and thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; obviously, the gentleman from Virginia (Mr. BATEMAN) for initiating this; and the gentleman from Maryland (Mr. GILCHREST), my colleague from Maryland, for his wonderful explication of some parts of it.

The Chesapeake Bay, our Nation's largest estuary, is an incredibly complex ecosytem. The Bay is one of our Nation's most valuable natural resources. Its rich ecosytem with rivers, wetlands, trees, and the Bay itself supports and provides a national habitat for over 3,600 species of plants, fish, and animals.

We know that over 15 million people now live in the Bay watershed, it includes parts of six States and the entire District of Columbia. These persons are, at all times, just a few steps from one of the more than 100,000 stream and river tributaries ultimately draining into the Bay. Every person, plant, and animal depend on each other to help the Chesapeake Bay system thrive and function properly. These complex relationships are countless. The Chesapeake Bay Program is a unique regional partnership of State and Federal Government agencies, and it has been encouraging and directing the restoration of the Bay since 1983.

I am pleased that important progress has been made in renewing the Bay since the Chesapeake Bay Agreement was signed in 1983. Restoration efforts, led by the Chesapeake Bay Program, have had a profound effect on the health of the Bay. In addition, scientific research has led to a better understanding of the Bay, including how it works and what must be done to address problems.

However, we still have a long way to go before we reach our goals for a restored Chesapeake Bay. Many questions about the future of the Bay remain unanswered. For example, blue crabs, perhaps the best known and most important resource of the Bay, have been below the long-term average level for several years. The oyster harvest has declined dramatically. Further efforts to reduce nutrient and sediment pollution are needed. I am pleased that this legislation today will help us address these concerns and allow us to move toward the goal of a restored Chesapeake Bay.

You know, Mr. Chairman, in only 10 days we recognize and celebrate the 30th anniversary of Earth Day. Every year on this day, the people of our Nation and across the globe focus their attention on the environment. Both Earth Day and the legislation before us today offer us the opportunity to applaud our progress, but, more importantly, they allow us to renew our commitment to the challenges facing our planet and the Chesapeake Bay. We must preserve and protect this treasure.

Mr. Chairman, I support the Chesapeake Bay Restoration Act and urge its swift, unanimous passage.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin, (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I thank my friend from Minnesota for yielding me time.

Mr. Chairman, I rise today in support of H.R. 3039, the Chesapeake Bay Restoration Act. I want to commend my colleagues for the leadership they provided, the gentleman from Virginia (Mr. BATEMAN); the gentleman from Maryland (Mr. GILCHREST); the gentleman from Maryland (Mr. CARDIN); and the gentleman from Maryland (Mr. HOYER); as well as the leadership on the committee, the gentleman from Pennsylvania (Chairman Shuster); and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI).

Mr. Chairman, this bill seeks to reauthorize Federal participation in the Chesapeake Bay Program. It will provide the Environmental Protection Agency with $30 million over 6 years to fund program activities that will prevent harmful nutrients and toxins from flowing into the Chesapeake, where they will degrade water quality and damage valuable fish and wildlife resources. It also mandates other Federal agencies to assist in the development of watershed planning and restoration activities.

I strongly support the Chesapeake Bay Restoration Act and the Chesapeake Bay Program, because they embody an approach to water quality and watershed management that I believe is truly the wave of the future. This approach is, first of all, proactive, rather than reactive, seeking to stop harmful nutrients and toxins from making it into the Bay in the first place, rather than relying on expensive clean-up and mitigation efforts afterwards.

Secondly, this approach is basin-wide, rather than piecemeal, seeking to look at the entire ecosystem and to development management plans appropriate to the large scale physical system that it is.

Finally, this approach relies on interagency and intergovernmental cooperation, attempting to coordinate the diverse, but sometimes fragmented, conservation efforts of Federal, State and local agencies, as well as non-governmental agencies.

I want to compliment the Members from the Chesapeake Bay Basin States who have fashioned the bill and supported the Chesapeake Bay Program since its inception some 15 years ago.

I also want to take this opportunity, Mr. Chairman, to urge my colleagues to take a close look at a bill that I recently introduce, H.R. 4013, the Upper Mississippi River Basin Conservation Act. Like H.R. 3039, my bill is comprehensive legislation to reduce nutrient and soil sediment losses in a large river basin. The Upper Mississippi River Basin, which encompasses much of Wisconsin, Minnesota, Iowa, Illinois, and Missouri, is a tremendously valuable natural resource.

Forty percent of North America's waterfowl use the wetlands and backwaters of the river as a migratory flyway. In fact, it is North America's largest migratory route, with much of the waterfowl such as Tundra Swans ultimately going through the Mississippi corridor and ending up in the Chesapeake Bay area.

The Upper Mississippi River provides $1.2 billion annually in recreation income and $6.6 billion to the area's tourism industry. Unfortunately, increasing soil erosion threatens this region and these industries. For instance, soil erosion reduces the long-term sustainability and income of the family farms, with farmers losing more than $300 million annually in applied nitrogen. Additionally, sediment fills the main shipping channel of the Upper Mississippi River, costing roughly $100 million each year for dredging costs alone.

Relying on existing Federal, State, and local programs, H.R. 4013 establishes a water quality monitoring network and an integrated computer modeling program. These monitoring and modeling efforts will provide the baseline information needed to make scientifically sound and cost-effective conservation decisions.

The bill calls for an expansion of four U.S. Department of Agriculture land conservation programs. In addition, the bill includes language to protect personal data collected in connection with monitoring, modeling and technical and financial assessment activities.

In trying to achieve these goals, this bill relies entirely on voluntary participation and already existing conservation programs. The bill will not create any new Federal regulations.

The Chesapeake Bay Restoration Act and my bill, the Upper Mississippi River Basin Conservation Act, are basin-wide, comprehensive efforts to reduce harmful runoff and improve the overall health of these regionally and nationally significant ecosystems. I urge my colleagues to support H.R. 3039 today and to contact my staff and helping a sure passage of H.R. 3014.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

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

Mr. Chairman, I rise today to express some concerns about H.R. 3039. I do so reluctantly, but for several reasons. My first concern is the role of the Department of Agriculture in this effort. A great deal of the focus and efforts involved in getting to a cleaner and healthier Chesapeake Bay are on its upstream tributaries, and a great deal of farmland is included in these watersheds. I am particularly concerned that it appears neither the Committee on Agriculture nor the USDA were consulted in regard to this reauthorization.

We have heard how this bill simply puts into statute what is already taking place. I believe as it is part of a reauthorization, a thorough discussion should take place regarding the best ways to accomplish the goals of the program and whether the current structure is accomplishing that.

That leads to my questions about why current authorized programs are not being utilized or modified, if necessary, to accomplish the outlined goals, as opposed to putting forward a new program or authority. This has led to a number of programs out there, and in the case of conservation and environmental protection, a number of authorities that are not interconnected and do not have adequate resources to meet the demands for assistance.

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

Mr. STENHOLM. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I understand the gentleman's concern with Agriculture not being consulted, the perception that they were not consulted about this piece of legislation. But I can tell the gentleman that with regard to the Chesapeake Bay Program, the biggest industry in my business is agriculture, and USDA and the Departments of Agriculture in Maryland, Delaware, Virginia and Pennsylvania have all worked through a variety of existing programs to ensure the quality of water in the Chesapeake Bay and its tributaries via many agricultural programs that exist, for example, the Buffer Program, the Waterway Program, the program that provides habitat for wildlife, the CRP Program.

1530

So there is a whole range of programs that the Chesapeake Bay program, which is EPA, consults with these other agencies to ensure water quality, and also the biggest thing I would like to say, I say to the gentleman from Texas (Mr. STENHOLM), is to ensure that agriculture remains not only a viable industry but a profitable industry.

Mr. STENHOLM. I thank the gentleman for those comments.

Just as I was about to say, I have no doubt that the USDA agencies and their partners, the conservation districts and resource conservation and development councils, are already taking an active role in many of the actions springing out of the Chesapeake Bay Agreement.

I concur. In fact, one of the major roles of USDA in the conservation district is to provide technical assistance to whoever might need it. Whether it is technical assistance or other types of assistance, the USDA agencies and their partners have and will find ways to provide that assistance to whoever might be asking, whether they be a private individual, a nonprofit group, or a local government.

I am also concerned about this legislation and similar bills that are targeted to specific geographic locations. I am certain they are all worthy pieces of legislation, and I support the gentleman and the others in the Chesapeake Bay's effort because they are right on target. My concern is the duplication.

I appreciate the watershed approach. That is the way to go. I am joining today with the gentleman from Tennessee (Mr. TANNER) in introducing the Fishable Waters Act, which would provide much needed guidance and funding to any and all States to address water quality problems that have led to fisheries habitat problems.

My concern, though, is funding. When we continue to divide, issue after issue, when we continue to say USDA, that is doing a wonderful job, but not doing good enough, so therefore, we are going to take EPA and we are going to grant them money to provide technical assistance when we are already shortchanging, here.

We talk about the environmental quality incentive program. It is funded at $200 million a year, but we only spend $174 million. Appropriations cut us short. We look at the Wildlife Habitat Incentives Program. The small watershed program is the one, though. We have 1,630 projects right now approved, needing $1.5 billion in funding. We are funded at $91. I believe this bill further divides already scarce resources, and that is my concern.

Mr. Chairman, CRP—Authorized at 36.4 million acres—currently 31 million acres enrolled—up to 3.5 million acres in bids received in 20th sign-up; WRP—Authorized at 975,000 acres—estimated to have 935,000 acres enrolled by end of 2000; Wildlife Habitat Incentives Progam—Funded at $50 million in 1996 Farm Bill and funding already exhausted; PL–566 (Small Watershed Program)—1630 projects approved needing $1.5 billion in funding—funded at $91 million in FY00; and EQIP (Environmental Quality Incentives Program)—Funded at $200 million per year in 1996 Farm bill—appropriators have limited funding to $174 million in each of last three fiscal years—demand is three times greater than available funding.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a diligent member of the Committee.

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, since being elected to Congress, I have been focusing attention on the issue of creating livable communities where families are safe, healthy, and economically secure. The quality and quantity of our water supply is going to be the primary shaper of our communities in the next century.

This is one of the reasons why I am here today, pleased to join in rising in support for the fine work that the committee has done, and thanking the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Maryland (Mr. GILCHREST), and others in focusing attention and making sure that we are able to continue the great work that has been done in the Chesapeake Bay area.

It has been documented already on the floor of the Chamber today the vast sweep of the Chesapeake Bay watershed, the 64,000 square miles covering parts of six States talking about the problems that are faced here that are serious but not unique to the Chesapeake Bay system, and how the Chesapeake Bay is a great example of watershed-wide management; how we are excited about the multijurisdictional involvement of many shareholders dealing with the EPA, dealing with State and local authorities, and other disciplines, and the legislative bodies of three States, bringing into involvement a vast coalition of people outside the government sweep, of agencies, nonprofits, and private citizens; the tributary teams in Maryland, divided into ten major tributaries and teams made up of citizens, farmers, business interests, environmentalists, and others, who determine the primary issues in their watersheds, and how to go about educating and involving citizens based on the idea that the problems are different depending on where you are.

The good news is that through all of this effort, the Bay is improving, albeit slowly. The Chesapeake Bay Foundation has put together a report card on the Bay. The score was up to 28 last year, up from the historic low of roughly 23 in 1983, on their way towards a goal or a rating of 70.

I appreciate the elements that are included in H.R. 3039 to support the EPA Bay program and its activity in the watershed, the pollution prevention, restoring activities, monitoring, grants to States, and other stakeholders and citizen involvement.

I am here, though, not just to commend my colleagues on the committee and the others who are involved. I do hope that we are able as a committee and as a Congress to incorporate the lessons that we have learned with the Chesapeake Bay clean-up, and perhaps even in this Congress have a comprehensive piece of legislation that we could advance to our colleagues to make sure that the important approach that has been taken with the Chesapeake Bay clean-up is not an exception, but in fact it is the rule governing how we will approach these important areas across the country.

Under the leadership of the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. BORSKI), the gentleman from New York (Mr. BOEHLERT), with concerned members of the committee, with others in Congress, we can make sure that these lessons that have been learned, the dollars we are able to stretch, the engagement that we can have with our citizens, become an important part of Federal policy.

If we are able to do that, Mr. Speaker, we will have given an important gift to American citizens for Earth Day, not just one or two models of an exemplary clean-up that hold a lot of potential for the future, but a template that will guide the authorizing committee, a template that will guide the appropriating committee, a template that will guide across jurisdictions in the Federal government to show how we can achieve a more livable community, looking at the way we can manage our water resources.

Mr. Chairman, I look forward to greater progress in the future.

Mr. OBERSTAR. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

The CHAIRMAN pro tempore (Mr. GUTKNECHT). All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 3039 is as follows:

H.R. 3039

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 ''Chesapeake Bay Restoration Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to achieve the goals and requirements contained in subsection (g)(1), subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

''(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.''.

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

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

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 117 of the Federal Water Pollution Control Act. It is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under such section, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under such section shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

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

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment is the same as the amendment offered on the last bill.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I understand this is the new and improved version of the amendment which we have previously accepted. We are pleased to accept this, as well.

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

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

Mr. OBERSTAR. Mr. Chairman, we have reviewed the gentleman's amendment. It is in conformity with the rules of the House, and it is a sense of Congress buy American amendment. We are happy to support Mr. Buy America.

Mr. TRAFICANT. Mr. Chairman, I urge an aye vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to the bill.

If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CRANE) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3039) to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes, pursuant to House Resolution 470, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SHUSTER. 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. 2328 and H.R. 3039.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order: Passage of H.R. 2328, by the yeas and nays; passage of H.R. 3039, by the yeas and nays; and a motion to suspend the rules and pass the bill, H.R. 2884.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE CLEAN LAKES PROGRAM

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 2328, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 5, not voting 9, as follows:

[Roll No. 120]

YEAS—420

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
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
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
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
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)

Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Hostettler
Paul
Royce
Sanford
Sensenbrenner

NOT VOTING—9

Abercrombie
Cook
Cummings
DeGette
Gephardt
Houghton
McIntosh
Mollohan
Obey

1607

Mr. FRANK of Massachusetts changed his vote from ‘‘nay’’ to ‘‘yea’’.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the remaining two questions on which the Chair has postponed further proceedings.

CHESAPEAKE BAY RESTORATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 3039, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill 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 418, nays 7, not voting 9, as follows:

[Roll No. 121]

YEAS—418

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
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
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
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
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Chenoweth-Hage
Duncan
Hostettler
Paul
Sanford
Schaffer
Sensenbrenner

NOT VOTING—9

Abercrombie
Cook
Cummings
DeGette
Gephardt
Houghton
McIntosh
Mollohan
Smith (MI)

1617

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

The SPEAKER pro tempore (Mr. GUTKNECHT). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2884, 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. BARTON) that the House suspend the rules and pass the bill, H.R. 2884, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 8, not voting 10, as follows:

[Roll No. 122]

YEAS—416

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
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
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
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
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
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
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
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Duncan
Hostettler
Paul
Pitts
Royce
Sanford
Sensenbrenner
Toomey

NOT VOTING—10

Abercrombie
Cook
Cummings
DeGette
Gephardt
Houghton
Hyde
McIntosh
Moakley
Mollohan

1626

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.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, this afternoon, I was unavoidably detained by a Hawaii Congressional delegation meeting with the Secretary of Interior, and I consequently was unable to vote on three recorded votes. Had I been present, I would have voted as follows: Rollcall 120, to pass H.R. 2328, to reauthorize the Clean Lakes Program—''yes''; rollcall 121, to pass H.R. 3039, Chesapeake Bay water restoration—''yes''; rollcall 122, to pass H.R. 2884, to extend the Strategic Petroleum Reserve program—''yes.''

PROVIDING FOR ADJOURNMENT OF THE HOUSE ON THURSDAY, APRIL 13, 2000 OR FRIDAY APRIL 14, 2000 UNTIL TUESDAY, MAY 2, 2000; AND PROVIDING FOR RECESS OR ADJOURNMENT OF THE SENATE ON THURSDAY, APRIL 13, 2000 OR FRIDAY, APRIL 14, 2000 UNTIL TUESDAY, APRIL 25, 2000

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res 330) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 303

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, April 25, 2000, or such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Majority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3439, RADIO BROADCASTING PRESERVATION ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–575) on the resolution (H. Res. 472) providing for consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4199, DATE CERTAIN TAX CODE REPLACEMENT ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–576) on the resolution (H. Res. 473) providing for consideration of the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986, which was referred to the House Calendar and ordered to be printed.

1630

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1824.

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

There was no objection.

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.

ST. PETER'S MASS HOSTED BY REPUBLICAN NATIONAL COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KLECZKA) is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today's mass at St. Peter's will be hosted by the Republican Conference. The homily will be given by the House Chaplain and he will speak in support of the H.R. 4199, to abolish the Tax Code by the year 2004. Does that sound ridiculous to my colleagues? It sure does to me as a Catholic Member of this House.

But let me review for my colleagues what transpired yesterday. There was a mass at St. Peter's hosted by the Republican National Committee to honor and to introduce the new chaplain of the House followed by a reception in the church basement.

We were told that all Members were invited to mass. But in reality, only 26 Republicans were given the invitation.

Mr. Speaker, masses have been conducted in this world by Catholic clergy for centuries; and never, never in my recollection have they been hosted by a political party.

I think it is wrong. I think it is misdirected. And I am told at the mass itself speaking to the congregation was the chairman of the Republican National Committee, Mr. Nicholson, and a former Member of this House who headed up the campaign committee.

I think the Republicans have gone too far this time. For those of my colleagues who do not know the background, the chaplain of the House announced he was retiring. The Speaker appointed a bipartisan Search Committee made up of nine Republicans and nine Democrats to find a new chaplain. They interviewed 37 clergymen, and they came up with the top choice of a Catholic priest.

But that was not to be. The Republicans would not stand still for a Catholic, the first in the history of this country to be chaplain of this House. So they bypassed him for the man who came in number three. Then a big uproar occurred.

Catholics throughout the country were just totally up in arms, and they knew they were going to lose the Catholic vote this November. So what do they do? They bring a resolution to the floor praising the Catholic schools.

I am a product of that Catholic education. I do not need my Republican colleagues telling me how good the education is. They kept slipping with the Catholics. Then they found Cardinal O'Connor in New York. So one day we had a resolution to give him a gold medal and that still did not help the slippage with the Catholic vote.

So then the Speaker swallowed his pride and he himself appointed a Catholic priest from Chicago who was not interviewed by the committee but he was a Catholic, and he thought that would stop the hemorrhage of the loss of the Catholic vote; and everything was quiet for a couple weeks and we started to heal. And then, out of the blue, comes a mass at St. Peter's sponsored by the Republican National Committee.

Mr. Speaker, today the only word that my colleagues could come up with was this is ''disgusting.'' The Catholic celebration of mass does not need promotion from my colleagues, guys. We go there voluntarily. If it was the Democratic party pulling this nonsense, I would be on this floor tonight.

When is this going to stop? Are they going to ridicule my entire religion? Have they bought into the notion from Bob Jones University that we are a cult, that the Pope is anit-Christ?

In the press reports today on this debacle, we are told by a spokesman for the Republican National Committee that he is sorry that some Democrats were finding fault with this event, with this ''event.''

The mastermind who they dusted off, a former ambassador to the Vatican, stated in this article, I have been to events sponsored by lots of organizations, including Democrats, and there has never been any problem.

Is this an event? Is this like a college football bowl game where there is a sponsor, the Rose Bowl is brought to us buy Microsoft, today's mass is brought to us by some foundation?

Mr. Speaker, the Republicans in the House have gone over the line. I have asked the Catholic Bishop's Conference to review this matter. I believe that what they have done is turn this Catholic chaplain into a Republican poster-priest.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ANSWERS FROM NATIONAL READING PANEL ON AMERICAN CHILDREN'S READING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kentucky (Ms. NORTHUP) is recognized for 5 minutes.

Ms. NORTHUP. Mr. Speaker, tomorrow is an important day for all of our schoolchildren and all of our children across this country.

When I came to Congress 3½ years ago, the rate of children that could not even read at basic level in our schools across this country was 40 percent. Forty percent of all schoolchildren in the fourth grade could not even read at basic levels.

Clearly, as we have poured resources, we have poured time and attention and research into making sure our children all learn to read, we were missing the mark with some our children.

I am sure all of us do not need to be reminded how important it is that children learn to read. They learn to read first in kindergarten and first grade so that they can go on about in fourth grade to other things: science, health, geography, social studies, all other subjects that require good reading skills.

We also know from research that if a child does not learn to read by the beginning of fourth grade, there is a very strong probability that that child will never learn to read at their capacity. Because, in those early years, children are at the stage of brain development where they can learn to read, learn to read quickly, and accurately, learn fluency, and learn to put what they see on the written page into understanding ideas and convert it and learn that information.

That is a time in their lives where they are particularly adept at that; and if they miss that opportunity, they are going to find it very difficult at any age and with any amount of work to learn to read at their capacity.

So it is a serious problem in this country that we confront today as so many of our children miss this time in their lives when they learn to read.

We know that everybody means for children to read, and we believe that all children can learn at a high level. And so, it was important that we ask the question, what are we doing that is not right? What are we missing? The questions that need to be answered are, how do children learn to read? At what age do children go through the stages of learning to read? We need to know at what time we need to intervene when children are not going through those stages and are not learning to read as we hope they will. And what kind of intervention works best?

Three years ago, Congress put into the appropriations bill for the education appropriation and health education a research requirement that the Department of Education and the National Institute of Child Health and Development together look at all research that has been done on how children learn to read to give us a better road map, answer the questions that have so confounded us for so many of our children.

Today, I am thrilled to know that tomorrow the National Reading Panel is going to give us their answers. They are going to tell us what all the research together tells us about how children learn to read. They are going to answer many of the questions that we have, many of the questions that our teachers around this country want so that they can have a better road map as they approach reading in ways that are the most effective.

I am here today to share with the American people and with the Congress the importance that, number one, we have this information; number two, that we make sure that our teachers in our schools around the country get this information and that it is incorporated into our lessons as we go forward in our efforts to make sure that every child learn and learn at a high level; number 3, that we make sure that all future research is done according to standards that will give us the feedback we need to answer additional questions that we have.

Mr. Speaker, I believe that our children are waiting for us to have this answer. They only get to be 6 years old once in their life. They only get to be in that time of their life once where they can learn to read and they can learn to read well. After that, it is a struggle.

And so, for every child that today is in the first grade, for every child that tomorrow and next year will be in the first grade, let us make sure that we listen to what the scientists can tell us. They can give us a good road map on what we are doing right and what we are doing wrong. And may we please not be so closed minded or set in our ways that we cannot change and adjust and incorporate in our schools and in our children's lives this information that we have waited so long for.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PALLONE) for organizing this special order this evening on the Armenian genocide.

The leadership on this issue of importance to Armenian people has been vital. It is with some sadness that I know this will be the last statement of the gentleman from Illinois (Mr. PORTER) on the Armenian genocide in this body, and I thank the gentleman for all his fine work.

Mr. Speaker, I rise today to take note of the tragic occurrences perpetrated on the Armenian people between 1915 and 1923 by the Ottoman Turkish Empire.

During this relatively brief time frame, over 1½ million Armenians were massacred and over 500,000 were exiled. Unfortunately, the Turkish Government still has not recognized these brutal acts as acts of genocide, nor come to terms with its participation in these horrific events.

1645

I believe that by failing to recognize such barbaric acts, one becomes complicit in them. That is why as a New York State assemblyman, I was proud to support legislation adding lessons on human rights and genocide to the State education curricula. I am also a proud cosponsor of H. Res. 398, the United States Training on and Commemoration of the Armenian Genocide Resolution.

H. Res. 398 calls upon the President to provide for appropriate training and materials to all foreign service officers, officials of the Department of State, and any other executive branch employee involved in responding to issues related to human rights, ethnic cleansing, and genocide by familiarizing themselves with the U.S. record relating to the Armenian Genocide.

Mr. Speaker, I urge my colleagues to support this very important resolution.

April 24 is recognized as the anniversary date of the Armenian Genocide. The history of this date stretches back to 1915, when on April 24, 300 Armenian leaders, intellectuals and professionals in Constantinople were rounded up, deported and killed, beginning the period known as the Armenian Genocide.

Prior to the Armenian Genocide, these brave people with the history of well over 3,000 years old were subject to numerous indignities and periodic massacres by the Sultans of the Ottoman Empire. The worst of these massacres occurred in 1895 when as many as 300,000 Armenian civilians were brutally massacred and thousands more were left destitute. Additional massacres were committed in 1909 and 1920. By 1922, Armenians had been eradicated from their homeland.

Yet, despite these events, the Armenian people survived as a people and a culture in both Europe and the United States. My congressional district has a number of Armenians, especially in the Woodside community, and their community activism is extraordinary, to say the least.

Mr. Speaker, I make note of this because of a statement by Adolph Hitler when speaking about the ''final solution,'' when he said who remembers the Armenians. Mr. Speaker, I remember the Armenians and so do many of my colleagues speaking here this evening.

ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California (Mr. ROGAN) is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, I am pleased to join so many of my colleagues on both sides of the aisle tonight to rise in support of House Resolution 398 commemorating the Armenian Genocide. House Resolution 398 is a necessary step for our government to take, a recognition of the historical truth of one of history's cruelest acts against a great and good people.

Between 1915 and 1923, over 1 million Armenians whose ancestors had inhabited their homeland since the time of Christ were displaced, deported, tortured and killed at the hands of the Ottoman Empire. Families were slaughtered. Homes were burned. Villages were destroyed and lives were torn apart.

Regrettably in the years since, officials from what is now Turkey have denied this history and failed to recognize the truth, the historical truth of the Armenian Genocide.

Mr. Speaker, as their loved ones were killed, many right before their very eyes, more than 1 million Armenians managed to escape and establish a new life here in the United States. I am honored to have a large portion of the Armenian American community residing in my district in and around Glendale, California.

The Armenian people suffered a horrific tragedy in the first part of the 20th century. Today, our government can work to ensure that the 21st century is a century free both from genocide, and also free from lies.

We must not stray from our work to embrace democracy and build a world that is free from suffering on this immense scale, but that building can never happen as long as we allow one of the worst slaughters in world history to continue to go being unrecognized.

Mr. Speaker, I went through 4 years of college and never once heard about the Armenian Genocide in public schools. We have whole generations of people that have been raised not knowing anything about it because it is not politically correct to teach it in our schools, because we are afraid it might offend an oil-producing Nation with whom we have commercial or military ties.

I just think that that is a wrongheaded approach. It is a disgrace for our Congress. And the purpose of House Resolution 398 is to take a major step toward right and toward morality and recognizing this historical truth.

Today on the eve of the anniversary of the Armenian Genocide, I ask my colleagues to join with our bipartisan group that you have already heard from tonight and will hear from again in support of House Resolution 398 to commemorate the Armenian Genocide.

Having visited the Republic of Armenian and also Nagorno-Karabakh just a few short months ago, I can attest that the Armenian people have triumphed over tragedy and are building a prosperous democracy. It is a nation that we should be proud to lock arms with and stand with in the greater cause of good, and it is for that reason that I urge my colleagues to join us and support this important resolution.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. HOLT).

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

There was no objection.

JOINT RESOLUTION SUPPORTING DAY OF HONOR 2000

The SPEAKER pro tempore. 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, first let me certainly acknowledge the eve of the Armenian genocide anniversary and say to my colleagues that all of us should acknowledge such tragic loss of life. But today I rise to introduce a House Joint Resolution, H.J. Res. 98, to designate May 25, 2000, as a national day of honor for minority veterans of World War II.

Seventy-three of my colleagues have already joined me in cosponsoring this resolution. I want to extend my thanks to Senator EDWARD KENNEDY of Massachusetts for joining me by introducing an identical resolution in the United States Senate. I am also very proud that the Day of Honor 2000 Project, a nonprofit organization based in Massachusetts, has helped enlist the support of many Americans to make this resolution possible. In fact, those who are working to propose the World War II veterans memorial here in Washington, D.C. have acknowledged their support for this very special day. Without the support of the Day of Honor Project 2000, this resolution could have never been possible.

The purpose of this joint resolution is to honor and recognize the service of minority veterans in the United States armed forces during World War II. The resolution calls upon communities across the Nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000. Our goal is that the Nation will have an opportunity to pause on May 25, leading up to Memorial Day, to express our gratitude to the veterans of all minority groups who served the Nation so ably. The day will be special because we honor those who fought for the preservation of democracy and our protection of our way of life.

Unfortunately, many minority veterans never obtained the commensurate recognition that they deserve. We honor all veterans. We certainly honor all veterans in World War II, but it is important to designate and to honor those who during those times as they returned did not receive the fullest of honor. When we look back to the darkest days of World War II we remember and revere the acts of courage and personal sacrifice that each of our soldiers gave to their Nation to achieve Allied victory over Nazism and fascism.

In the 1940s, minorities were utilized in the Allied operation just as any other Americans. My father-in-law in fact was part of the Tuskegee Airmen. Yet we have never adequately recognized the accomplishments of minority veterans. During the war, at least 1.2 million African American citizens either served or sacrificed their lives. In addition, more than 300,000 Hispanic Americans, more than 50,000 Asians, more than 20,000 Native Americans, more than 6,000 native Hawaiians and Pacific islanders, and more than 3,000 native Alaskans also served their country or sacrificed their lives in preserving our freedom during World War II.

Despite the invidious discrimination that many minority veterans were subjected to at home, they fought honorably along with all other Americans including other nations. An African American had to answer the call to duty as others, indeed, possibly sacrifice his life; yet he or she enjoyed a separate but equal status back home. This is something that we can readily correct and with this resolution with the number of cosponsors, I believe that we can move toward seeing this honor come to fruition on the floor of the House.

I would ask my colleagues to readily sign on to H.J. Res. 98 to be able to honor these valiant and valuable members of our society for all that they have done. They are American heroes that deserve recognition for their efforts. For this reason the resolution specifically asks President Clinton to issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities. Mr. Speaker, I urge my colleagues to join me in cosponsoring this resolution.

Mr. Speaker, I am pleased to introduce a House Joint Resolution 98 to designate May 25, 2000, as a national Day of Honor for minority veterans of World War II. 73 of my colleagues have already joined me in cosponsoring this resolution.

I want to extend my thanks to Senator EDWARD KENNEDY of Massachusetts for joining me by introducing an identical resolution in the U.S. Senate.

I am also very proud that The Day of Honor 2000 Project, a non-profit organization based in Massachusetts, has helped enlist the support of many Americans to make this resolution possible. Without the support of The Day of Honor Project 2000, this resolution could have never been possible.

The purpose of this joint resolution is to honor and recognize the service of minority veterans in the U.S. Armed Forces during World War II. The resolution calls upon communities across the nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000. Our goal is that the nation will have an opportunity to pause on May 25th to express our gratitude to the veterans of all minority groups who served the nation so ably.

The day will be special because we honor those who fought for the preservation of democracy and our protection of our way of life. Unfortunately, many minority veterans never obtained the commensurate recognition that they deserve.

When we look back to darkest days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our soldiers gave to their nation to achieve Allied victory over Nazism and fascism. In the 1940s, minorities were utilized in the allied operations just as any other American.

Yet, we have never adequately recognized the accomplishments of minority veterans. During the war, at least 1,200,000 African Americans citizens either served or sacrificed their lives. In addition, more than 300,000 Hispanic Americans, more than 50,000 Asians, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans also served their country or sacrificed their lives in preserving our freedom during World War II.

Despite the invidious discrimination that most minority veterans were subjected to at home, they fought honorably along with all other Americans, including other nations. An African American had to answer the call to duty, indeed possibly sacrifice his life, yet he or she enjoyed separate but equal status back home.

Too often, when basic issues of equality and respect for their service in the war arose, Jim Crow and racial discrimination replied with a resounding "no." This is a sad but very real chapter of our history.

This all happened, of course, before the emergence of Dr. Martin Luther King, Sr. in America. As a nation, we have long since recognized the unfair treatment of minorities as a travesty of justice. The enactment of fundamental civil rights laws by Congress over the past half-century have remedied the worst of these injustices. And this has given us some hope. But, as we all know, we have yet to give adequate recognition to the service, struggle, and sacrifices of these brave Americans who fought in World War II for our future.

For many of these minority veterans, the memories of World War II never disappear. When we lose a loved one, whether it is a mother, father, sibling, child, or friend, we often sense that we lose a part of ourselves. For each of us, the loss of life—whether expected or not—is not easily surmountable.

Minority veterans had to overcome a great deal after the war. They not only came back to a nation that did not treat them equally, but they were never recognized for the uniqueness of their efforts during the war. Like of many of us, they adapted to changes or were the engines of social change. But they have suffered and sacrificed so much that few of us will ever understand.

Veterans are dying at a rate of more than 1,000 a day. It is especially important, therefore, for Congress and the administration to do their part now to pay tribute to these men and women who served so valiantly in that conflict.

The minority veterans from World War II represent a significant part of what has been called America's Greatest Generation. They are American heroes that deserve recognition for their efforts. For this reason, the resolution specifically asks President Clinton to issue a proclamation ''calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.''

Mr. Speaker, I urge my colleagues to join me in cosponsoring this resolution.

The text of the joint resolution is as follows:

H.J. RES. 98

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, ''E Pluribus Unum'' (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian and Pacific Islander, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the Day of Honor 2000 in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

REQUEST TO CLAIM SPECIAL ORDER TIME

Mr. BAIRD. Mr. Speaker, I ask unanimous consent to claim my special order time now.

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

Mr. CUNNINGHAM. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

ARMENIAN GENOCIDE COMMEMORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I rise this evening to talk about the Armenian genocide commemoration. I am going to talk a little bit about Armenia. There are many positive things happening in Armenia today that give us confidence that progress is being made. Armenia has made remarkable, stable strides toward becoming a democratic free market economy even in the face of the setbacks, including the tragic assassinations of Armenian Prime Minister Vazgen Sarksyan and other Parliament members last October. I had gotten to know Mr. Sarksyan before this tragedy and found him to be a man of immense ideas.

It was a tragedy that frankly we all look at with horror. It is behind us now. The government is strong. They have been able to go on in spite of this tragedy, and they have strengthened the situation to a point where it will prevent any future happening of this kind.

Tonight, I would like to talk not so much about what is going on in Armenia and how it is growing but, rather, to talk about a dark period in the remembrance of the genocide that took place back in 1915. When most people hear the word genocide, they immediately think of Hitler and his persecution of the Jews during World War II.

Many individuals are unaware that the first genocide of the 20th century occurred during World War I and was perpetrated by the Ottoman Empire against the Armenian people. Concern that the Armenian people would move to establish their own government, the Ottoman Empire embarked on a reign of terror that resulted in the massacre of over a million and a half Armenians. This atrocious crime, as I mentioned, began on April 15, 1915, when the Ottoman Empire arrested, exiled, and eventually killed hundreds of Armenian religious, political, and intellectual leaders.

Once they had eliminated the Armenian people's leadership, they turned their attention to the Armenians serving in the Ottoman Army. These soldiers were disarmed and placed in labor camps where they were either starved or executed. The Armenian people, lacking political leadership and deprived of young, able-bodied men who could fight against the Ottoman onslaught were then deported from every region of Turkish Armenia. The images of human suffering from the Armenian genocide are graphic and as haunting as the pictures of the Holocaust.

Why then, it must be asked, are so many people unaware of the Armenian genocide? I believe the answer is found in the international community's response to this disturbing event. At the end of World War I, those responsible for ordering and implementing the Armenian genocide were never brought to justice. And the world casually forgot about the pain and suffering of the Armenian people. This proved to be a grave mistake. In a speech before his invasion of Poland in 1939, Hitler justified his brutal tactics with the infamous statement, ''Who today remembers the extermination of the Armenians?''

Six years later, 6 million Jews had been exterminated by the Nazis. Never has the phrase ''those who forget the past will be destined to repeat it'' been more applicable. If the international community had spoken out against this merciless slaughtering of the Armenian people instead of ignoring it, the horrors of the Holocaust might never have taken place.

As we commemorate the 85th anniversary of the Armenian genocide, I believe it is time to give this event its rightful place in history. This afternoon and this evening, let us pay homage to those who fell victim to the Ottoman oppressors and tell the story of the forgotten genocide. For the sake of the Armenian heritage, it is a story that must be heard.

1700

SPECIAL TRIBUTE TO CENTRALIA COLLEGE

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to pay special tribute to an outstanding institution of higher education located in Washington's Third Congressional District.

This month we celebrate the 75th anniversary of the founding of Centralia College in Centralia, Washington. Throughout its proud history as the oldest continuously operating community college in the State of Washington, Centralia College has consistently demonstrated a deep commitment to learning. I am proud of Centralia's novel programming and flexible learning options. These features reveal that at Centralia, scholarship is indeed a priority.

In addition to its 44 associate degree and 14 certificate programs, Centralia offers several invaluable courses of study for the Southwest Washington community. The continuing Education Department provides community classes and business training classes, helping people learn new skills at any age. The workforce training and worker retraining courses teach essential job skills. These skills help the unemployed find new work and they help those facing the possibility of layoffs enhance their existing skills. Centralia also offers farm study and ranch and record keeping study to help our agricultural leaders of today and tomorrow.

One of Centralia's most innovative programs targets gifted high school students. Participation in their ''Running Start'' program allows 11th and 12th grade students to get the opportunity to take college level classes for both high school and college credit. Not only does this program provide challenges to students to achieve, but it allows them to do so free of charge. Through school district and State payment plans, Centralia ensures that all students get an equal chance to participate.

In addition to providing financial support, Centralia offers other areas to expand access to higher education. Their comprehensive distance learning campaign offers students all of the benefits of attending college, even if they cannot physically attend. From correspondence courses to videotape lectures or telecourses, to on-line classes, to interactive video programs, Centralia will find a way to teach eager students, regardless of their location.

For the 3,000 students enrolled, Centralia's serious educational commitment translates into results. Recently, for example, 9 of the 11 Centralia graduates who interviewed at the Intel company earned positions on the staff. Recruiters of such technology firms regularly visit Centralia, saying they always look forward to seeing the high quality of candidates who come from that college. They go on to say that the students' capability is a reflection of both a high quality college and a high quality electronics department. As we move into the 21st Century, the superiority of Centralia's technology education can only serve to benefit both students and employers.

Another benefit to students emphasized by the Centralia administration, faculty, and staff is diversity. Recognizing the need for students to interact with people of different cultures and backgrounds, Centralia strives to incorporate diversity into its student body and programs wherever possible. The college knows that exposing its students to diverse ideas and people will enhance their educational experience. In today's increasingly close-knit and diverse world, bringing together people from different backgrounds is a necessity, not a luxury.

Mr. Speaker, education is a necessity for all Americans. It prepares young people to face the challenge of the future, and makes the lives of older Americans more fulfilling. For the past 75 years, Centralia College has prepared its students to be the leaders of tomorrow, and, for that, we all owe Centralia College our gratitude and our congratulations.

I urge my colleagues in the 106th Congress to join me today in paying special tribute to this outstanding college, and may its next 75 years of service be every bit as successful as the first.

REMEMBERING THE ARMENIAN GENOCIDE OF 1915–1923

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I would like to join with those who are taking a few minutes today to remember and pay tribute to those Armenians who lost their lives and national identity during one of history's most tragic examples of persecution and intolerance, the Armenian genocide of 1915 to 1923.

Many Armenians in America, particularly in Indiana, are the children or grandchildren of survivors. In Fort Wayne, we do not have very many Armenians, to be precise, one, sometimes two. But my friend Zohrab Taizan is a classic example of many of the Armenians in America whose family was chased out of Turkey and down into Lebanon, who moved around, having, as a child, to live in a tent, because he saw his family members slaughtered and chased from their homeland; coming over to America where they had a chance to succeed with an American dream, as Armenians actually throughout world history who have been persecuted because of their successes as merchants, and often their very success has led to persecution in many lands that they have been over time. He came to America to the Indiana Institute of Technology, like many other foreign students who came in, learned engineering, and became a very successful engineer in our hometown.

I first saw a slide presentation on the facts of this terrible genocide about 20 years ago when I was a young businessman in Fort Wayne belonging to the Rotary Club. Mr. Zohrab Taizan made a presentation that will forever be burned into my mind about the terrible persecution; not just discrimination and not just random persecution, but the attempt to exterminate an entire people.

The facts, as we have heard a number of times, but I think it is important that we have these burned into our head, on April 24, that is the particular day we commemorate the tragedy, because it marks the beginning of the persecution and ethnic cleansing by the Ottoman Turks.

On April 24, 1915, Armenian political, intellectual, and religious were arrested, forcibly moved from their homeland and killed. The brutality continued against the Armenian people as families were uprooted from their homes and marched to concentration camps in the desert where they would eventually starve to death.

By 1923, the religious and ideological persecution by the Ottoman Turks resulted in the murder of 1.5 million Armenian men, women, and children and the displacement of an additional 500,000 Armenians. In our lifetime, we have witnessed the brutality and savagery of genocide by despotic regimes seeking to deny people of human rights and religious freedoms. That is Stalin against the Russians, Hitler against the Jews, Mao Tse-tung against the Chinese, Pol Pot against the Cambodians, and Mobutu against the Rwandans.

But genocide has devastating consequences on society as a whole because of the problems created by uprooting entire populations. The survivors become the ones who carry the memory of suffering and the realization that their loved ones are gone. They are the ones who no longer have a home and may feel ideological and spiritual abandonment.

Part of the healing process for Armenian survivors and families of survivors involves the acknowledgment of the atrocity and the admission of wrongdoing by those doing the persecution. It is only through acknowledgment and forgiveness that it is possible to move past the history of the genocide and other sins.

Unfortunately, those responsible for ordering the systematic removal of the Armenians were never brought to justice and the Armenian genocide became a dark moment in history, as we heard earlier, quoted by Hitler and others, who then proceeded to use it as an example to commit genocide on others, to be slowly forgotten by those in America and the international community.

It is important that we remember this tragic event and show strong leadership by denouncing the persecution of people due to their differences in political and religious ideology. By establishing a continuing discourse, we are acknowledging the tragedies of the past and remembering those awful moments in history so they will not be repeated.

Mr. Speaker, I want to thank all of my colleagues, those Members who have supported this resolution, as well as all the Armenian organizations in this country and throughout the world who have worked so hard to establish an understanding for their remembrance.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I join my other colleagues today to discuss one of the greatest unrecognized tragedies of the 20th Century, you have heard it by the previous speakers, that is the Armenian genocide.

April 24th marks the 85th anniversary of the start of the first genocide of the 1900's. Before the Holocaust there was the Armenian genocide. It took place between 1915 and 1923 in the Ottoman Empire.

In April of 1915, a weak Ottoman Empire ordered mass deportations of Armenians. This was carried out swiftly and systematically on official orders from the government of the Ottoman Empire. Forced marches resulted in the deaths of over 1 million Armenians. Armenian men of military age were rounded up, marched for several miles and shot dead throughout eastern Anatolia. Women, children, and the elderly, many subjected to rape, were forced to leave their homeland and move to relocation centers in the Syrian desert. During these long marches, no food, water, or shelter was provided. Many died of disease or exhaustion, and survivors were subjected to forcible conversion to Islam.

The annihilation of such a large portion of Armenians in the Ottoman Empire led to the loss of many lives and the dream of an Armenian homeland. Surviving Armenians fled to the then Soviet Union, the United States, and other parts of the world in pursuit of their basic freedoms. Many Armenians live and work in my congressional district in San Diego. Their history and story need to be shared and embraced.

Today, our NATO ally, Turkey, has repeatedly denied the execution of over 1 million Armenians. The denial of this atrocity has proved beneficial for Turkey's foreign policy. The murder of Armenians, a massacre based on cultural and religious beliefs, goes on officially unnoticed, and the United States maintains a favorable relationship and strategic partnership with Turkey.

Mr. Speaker, because of these reasons, I have joined my colleagues in cosponsoring House Resolution 398, the United States Training on and Commemoration of the Armenian Genocide Resolution. This resolution provides training and educational materials to all Foreign Service and State Department officials concerning the Armenian genocide.

It is time for our country to stand up and recognize this tragic event. When Hitler conceived of the idea to exterminate the Jewish population, he noted the lack of consequences by saying, ''Who, after all, speaks today of the annihilation of the Armenians?''

Mr. Speaker, today I and my colleagues speak of the annihilation of the Armenians, and we ask our other colleagues to join in this cause. The story of the Armenian genocide, the forgotten genocide, deserves to be told and understood. We owe it to the Armenians. We owe it to mankind.

COMMEMORATING THE 85TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BERMAN) is recognized for 5 minutes.

Mr. BERMAN. Mr. Speaker, I rise today to commemorate the 85th anniversary of the start of the Armenian genocide, one of the most horrific episodes of human history.

In early 1915, Britain and Russia launched major offensives intended to knock the Ottoman Empire out of the first World War. In the east, Russian forces inflicted massive losses on the Ottomans, who reacted by lashing out at the Armenians, whom they accused of undermining the Empire.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders suspected of harboring nationalist sentiments. Most of those arrested were executed without ever being charged with crimes.

The government then moved to deport most Armenians from eastern Anatolia, ordering that they resettle in what is now Syria. Many deportees never reached that destination. The U.S. Ambassador in Constantinople at the time, Henry Morgenthau, wrote "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race."

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary each year because this horrible tragedy for the Armenian people was a tragedy for all humanity. We must remember, speak out and teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

Sadly, genocide is not yet a vestige of the past. In recent years we have witnessed the "killing fields" of Cambodia, mass ethnic killings in Bosnia and Rwanda, and "ethnic cleansing" in Kosovo. We must renew our commitment to remain vigilant and prevent such assaults on humanity from occurring ever again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all over the world have clung to their identity and prospered in new communities. Hundreds of thousands of Armenians live in California, where they form a strong and vibrant community. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us.

Surrounded by countries hostile to them, to this day the Armenian struggle continues. But now with an independent Armenian state, the United States has the opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

SAY NO TO COMMERCIAL WHALING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, 2 days ago a mighty 35-foot long gray whale washed up on the beach in front of my home on Whidbey Island in Washington State. As a vociferous opponent of killing whales or the expansion of whaling worldwide, and as a lifelong advocate for the environmental health of Puget Sound, this recent event has been the cause of some amount of discussion and publicity in the region surrounding my district. Out of the 1,000 miles of coastline in Washington State, it was certainly an interesting coincidence that the body lodged right on the beach in front of my house.

The death of this gray whale should call our attention to those who would like to reverse the will expressed in Congress and by an overwhelming majority of the American people who oppose allowing the hunting of whales, particularly for commercial purposes.

As I have been predicting from the well of this House and across America for several years, the push for resumption of worldwide commercial whaling is on in earnest. And it is not about heritage, it is all about money. We have heard that a gray whale can be sold in Japan for $1 million.

Those who want to end the ban on commercial whaling have been using the pretext of restoring whaling rights to indigenous people to expand the scope of whaling worldwide. But if we allow people to use the excuse of historic whale hunting for resumption of whale hunting worldwide, you have got to remember many nations, most nations with coastlines, hunted whales. Japan and Norway definitely would have, as good as anybody, an historic whale hunting opportunity. Japan and Norway are the most notorious now for going ahead and hunting whales.

Newsweek Magazine reported, April 17, information I have already given this body that Japan has been quietly packing the International Whaling Commission with small nations willing to do their bidding, willing to vote for the resumption of commercial whaling.

Mr. Speaker, we are dangerously close to a renewal of the barbaric practice of commercial whaling. To millions of Americans, including myself, this is totally unacceptable. When the Clinton-Gore administration last year financed the Makah tribal whale hunt and colluded with the pro-whaling nations of the International Whaling Commission, our Nation's government lost its moral authority to lead the fight against killing whales for profit.

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This was truly a tragedy. Whales were hunted almost to extinction in the late 1800s.

Mr. Speaker, we must not allow the clock to be turned back to past days of barbarism. Republicans and Democrats in this body must stand with the American people and stop this conspiracy against these magnificent creatures. We must not return to commercial whaling.

THE 85TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, today I rise in commemoration of the 85th anniversary of the Armenian Genocide, a horrible period in our history that took the lives of 1.5 million Armenians and led to the exile of the Armenian nation from its historic homeland.

My colleagues and I join with the Armenian-American community, and with Armenians throughout the world, to remember one of the darkest periods in the history of humankind. We owe this commemoration to those who perished because of the senseless hatred of others, and we need this commemoration because it is the only way to prevent such events in the future.

We have already learned the lessons of forgetting. The Armenian Genocide, which began 15 years after the start of the twentieth century, was the first act of genocide this century, but it was far from the last. The indifference of the world to the slaughter of 1.5 Armenians laid the foundation for other acts of genocide, including the Holocaust, Stalin's purges, and, most recently, ethnic cleansing in Kosovo.

The lessons of the destruction that results when hatred is left unchecked have been too slowly learned. The world's indifference to the Armenian Genocide proved to Adolf Hitler that his plans to annihilate the Jewish people would encounter little opposition and would spur no global outcry. The post-Holocaust directive ''zachor,'' remember—lest history repeat itself, came too late for 1.5 million Armenians and 6 million Jews. It came too late for millions of victims around the world.

Today we recall the Armenian Genocide and we mourn its victims. But we also renew our pledge to the Armenian nation to do everything we can to prevent further aggression, and we renew our commitment to ensuring that Armenians throughout the world can live free of threats to their existence and prosperity.

Unfortunately, we still have to work toward this simple goal. Azerbaijan continues to blockade Armenia and Nagorno-Karabagh, denying the Armenian people the food, medicine, and other humanitarian assistance they need to lead secure, prosperous lives. And as long as this immoral behavior continues, I pledge to join my colleagues in continuing to send the message to Azerbaijan that harming civilians is an unacceptable means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, ''Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors.''

As the Armenian-American author William Saroyan wrote, ''Go ahead, destroy this race . . . Send them from their homes into the desert . . . Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia.''

I rise today to remember those cries, and to pay tribute to the resilience of the Armenian people, who have contributed so much to our world. Those who have perished deserve our commemoration, and they also deserve our pledge to ensure that such an horrific chapter in history is never repeated again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, my home State of Oklahoma has a strong heritage in our Nation's Native American history and culture. In fact, the name ''Oklahoma'' means ''Land of the Red People'' in the Choctaw language. So nowhere else in this country is there more appreciation than in Oklahoma that a museum dedicated to preserving this legacy is being constructed in Washington, D.C.

The National Museum of the American Indian was established as an act of Congress in 1989 to serve as a permanent repository of Native American culture. The groundbreaking took place in September of 1999, and it is scheduled to open in the summer of 2002.

Because of the historic significance and importance of this museum to the people of Oklahoma, I am introducing a bill today that will commemorate its opening. The National Museum of the American Indian Commemorative Coin Act of 2000 will call for the minting of a special $1 silver coin intended to raise funds for the museum and celebrate its completion.

As part of the highly respected Smithsonian institution, which is now the world's largest museum complex, the National Museum of the American Indian will collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest. Also important is that it will provide for Native American research and study programs.

The coin my bill proposes will be of proof quality and be minted only in the year 2001. Sales of the coin could continue until the date that the stock is depleted. The coin would be of no net cost to the American taxpayer, and the proceeds from its sale will go towards funding the opening of the National Museum of the American Indian. The proceeds would also help supplement the museum's endowment and educational outreach funds.

Based on past sales of coins of this nature, we are likely perhaps to raise roughly in the range of $3.5 million for the museum. The coin will be modeled after the original 5 cent buffalo nickel designed by James Earl Fraser and minted from 1913 to 1938, which portrays a profile representation of a Native American on the obverse, and an American buffalo, American bison, on the coin's reverse side.

Mr. Speaker, as an Oklahoman, I was proud to have led the effort in Congress to designate the Roger Mills County site of the November, 1868 Battle of the Washita, yes, some might more accurately describe it as a massacre, as a national historic site. This site in Western Oklahoma, where Lieutenant Colonel George Custer and the 7th U.S. cavalry attacked the Cheyenne Peace Chief Black Kettle's village.

Now I am pleased to introduce the National Museum of the American Indian Commemorative Coin Act of 2000. A like version of this bill is already making its way through the Senate, having been introduced there by United States Senator BEN NIGHTHORSE CAMPBELL of Colorado and Senator DANIEL INOUYE of Hawaii.

Mr. Speaker, I urge my fellow colleagues in the House to take this opportunity to recognize the importance to our Nation of the National Museum of the American Indian by becoming a cosponsor of my bill.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SWEENEY) is recognized for 5 minutes.

Mr. SWEENEY. Mr. Speaker, I want to take this opportunity to speak about one of the 20th century's early atrocities, the Armenian genocide. It is a subject that is very near and dear to my heart as my own grandfather was a witness to the bloodshed firsthand.

While the genocide began well before the turn of the past century, April 24 marks an important date that we as citizens and human beings need to remember. It was when 254 Armenian intellectuals were arrested by Turkish authorities in Istanbul and taken to the provinces of Ayash and Chankiri, where many of them were later massacred.

Throughout the genocide, Turkish authorities ordered the evacuations of Armenians out of villages in Turkish Armenia and Asia Minor. As the villages were evacuated, men were often shot immediately. Women and children were forced to walk limitless distances to the south where, if they survived, many were raped and put into concentration camps. Prisoners were starved, beaten, and murdered by unmerciful guards.

This was not a case for everyone, though. Not everyone was sent to concentration camps. For example, many innocent people were put on ships and then thrown overboard into the Black Sea.

The atrocities of the Armenian genocide were still being carried out in 1921 when Kemalists were found abusing and starving prisoners to death. In total, approximately 1.5 million Armenians were killed in a 28-year period. This does not include the half million or more who were forced to leave their homes and flee to foreign countries.

Together with Armenians all over the world and people of conscience, I would like to honor those who lost their homes, their freedom, and their lives during this dark period.

Many survivors of the genocide came to the United States seeking a new beginning, my grandfather among them. The experiences of his childhood fueled his desire for freedom for his Armenian homeland in the First World War, so he returned there, where he was awarded two Russian Medals of Honor for bravery in the fight against fascism.

It is important that we not forget about these terrible atrocities, because as Winston Churchill said, those who do not learn from the past are destined to repeat it.

Since the atrocity, Armenia has taken great strides, achieving its independence over 8 years ago. Then it was a captive Nation struggling to preserve its centuries-old traditions and customs. Today the Republic of Armenia is an independent, freedom-loving Nation and a friend of the United States and to the democratic world.

Monday, April 24, will mark the 85th anniversary of one of the most gruesome human atrocities in the 20th century. Sadly, it was the systematic killing of 1.5 million Armenian men and women. Ironically, Mr. Speaker, it was none other than Adolph Hitler who began to immortalize the Armenian atrocities when he, questioning those who were questioning his own determination to commit his own atrocities and his own genocide, he said, After all, who will remember the Armenians?

As we do not ignore the occurrence of the Nazi Holocaust, we must not ignore the Armenian genocide. Many people across the world will concede this is a very tender and difficult event to discuss, but in order for us to discontinue the mistakes of the past we must never forget it happened, and we must never stop speaking out against such horrors.

As a strong and fervent supporter of the Republic of Armenia, I am alarmed that the Turkish government is still refusing to acknowledge what happened and instead is attempting to rewrite history. It is vital that we do not let political agendas get in the way of doing what is right.

Mr. Speaker, I call upon the Turkish government to accept complete accountability for the Armenian genocide. To heal the wounds of the past, the Turkish government must first recognize its responsibility for the actions of past leaders. Nothing we can do or say will bring back those who perished, but we can honor those who lost their homes, their freedom, their lives, by teaching future generations the lessons of this atrocity.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight, which is the Armenian genocide.

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

There was no objection.

THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today, as my colleagues and I do every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1915 to 1923.

This evening my colleagues will be discussing various aspects of this tragedy, including what actually happened, how it affected the victims, the survivors and their descendents, how the perpetrators and their descendants have responded, the reaction of the United States and other major nations, and what lessons the Armenian genocide teaches us today.

Since we are constrained by time limitations, I will also be submitting for the RECORD some additional information.

Mr. Speaker, the Armenian genocide was the systematic extermination, the murder of 1.5 Armenian men, women, and children during the Ottoman Turkish empire. This is of the first genocide of the 20th century, but sadly, not the last. Sadder still, at the dawn of the 21st century we continue to see the phenomenon of genocide. Such is the danger of ignoring or forgetting the lessons of the Armenian genocide.

April 24 marks the 85th anniversary of the unleashing of the Armenian genocide. On that dark day in 1915, some 200 Armenian religious, political, and intellectual leaders from the Turkish capital of Constantinople, now Istanbul, were arrested and exiled in one fell swoop, silencing the leading representatives of the Armenian community in the Ottoman capital.

This was the beginning of the genocide. Over the years from 1915 to 1923, millions of men, women, and children were deported, forced into slave labor, and tortured by the government of the Young Turk Committee, and 1.5 million of them were killed.

The deportations and killings finally ended with the establishment of the Republic of Turkey in 1923, although efforts to erase all traces of the Armenian presence in the area continued. To this day, the Republican of Turkey refuses to acknowledge the fact that this massive crime against humanity took place on soil under its control and in the name of Turkish nationalism.

Not only does Turkey deny that the genocide ever took place, it has mounted an aggressive effort to try to present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

Recently the Turkish government signed a $1.8 million contract for the lobbying services of three very prominent former members of this House to argue Turkey's case in the halls of power here in Washington. While the major focus of their efforts is trying to secure a $4 billion attack helicopter sale, two of these lobbyists and former Congressmen, according to the April 8 edition of the National Journal, were recently here on Capitol Hill trying to persuade leaders of this House not to support legislation affirming U.S. recognition of the genocide.

Mr. Speaker, the sponsors of that legislation, House Resolution 398, the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR), will also be speaking tonight. I want to praise them for taking the lead on this bipartisan initiative which currently has 38 cosponsors and which has obviously caused some concern within the Turkish government.

I regret to say that the United States still does not officially recognize the Armenian genocide. Bowing to strong pressure from Turkey, the U.S. State Department and American presidents of both parties have for more than 15 years shied away from referring to the tragic events of 1915 through 1923 by the word ''genocide'', thus minimizing and not accurately conveying what really happened beginning 85 years ago.

This legislation is an effort to address this shameful lapse in our own Nation's record as a champion of human rights and historical fact.

Mr. Speaker, the Armenian people are united in suffering and the spirit of remembrance with the Jewish people, who were, of course, also the victims of genocide in the 20th century. I wanted to cite a letter from Mrs. Rima Feller-Varzhapetyan, president of the Jewish community of Armenia.

In a letter to the Congress of the United States, which I will submit for the RECORD, Mrs. Varzhapetyan wrote, ''Had the world recognized and condemned the genocide at the time, it is unlikely that the word Holocaust would have become known to the Jewish people.''

She also states, ''We believe that what happened to Armenians at the beginning of the century is not an issue for only Armenians. It is a cruel crime against humanity.'' She concludes, ''Believing that Turkey's membership in the European Union should require its acknowledgment of responsibility for the Armenian genocide, which will benefit the Turkish people as well, the Jewish community of Armenia urges the Congress of the United States to speak up in support of the interests of the Armenians, and to recognize the genocide of Armenians as they recognize the Jewish Holocaust.''

Mr. Speaker, there is additional information that I will include in my statement for the RECORD, but I wanted to conclude by praising the work of the Armenian American community in keeping the flame of memory burning. This week members of the Armenian Assembly of America held an advocacy day on Capitol Hill in which they urged the Members of Congress on several key issues, including the recognition of the genocide.

On Sunday, April 16, the annual commemoration will be held in Times Square in New York City, and on Tuesday, May 2, after Congress returns from our spring recess, the Armenian National Committee will host the sixth annual Capitol Hill observance and reception marking the anniversary of the genocide.

I am pleased to report that the Armenian Assembly has recently acquired a building not far from the White House here in Washington to use as the future site of the Armenian Genocide Museum.

Mr. Speaker, I include for the RECORD the letter from Ms. Varzhapetyan.

The letter referred to is as follows:

JEWISH COMMUNITY OF ARMENIA,
REPUBLIC OF ARMENIA,
Yerevan 375051, 2/1 Griboyedov St., off. 49.

Congress of The United States of America

On 24 April, 2000, 85-th anniversary of the Genocide of Armenians—a horrifying crime, which occurred at the beginning of this century—will be commemorated.

Had the world recognized and condemned the Genocide at the time, it is unlikely that the word Holocaust would have become known to the Jewish people. Today the world is not safeguarded against genocide. It can be repeated anywhere in the world.

We believe that what happened to Armenians at the beginning of the century is not an issue for only Armenians. It is a cruel crime against humanity.

Taking into consideration that the Armenian Genocide was recognized by the United Nations Human Rights Subcommission in 1985, that it was recognized by member states of the European Union in 1987, and by the Ottoman military tribunal in 1919, the Jewish Community of Armenia believes that the recognition of the 1915–1923 Armenian Genocide will positively impact the resolution of a number of issues in the Caucasus.

Believing that Turkey's membership in the European Union should require its acknowledgment of responsibility for the Armenian Genocide—which will benefit the Turkish people as well—the Jewish Community of Armenia urges Congress of The United States of America to speak up in support of the interests of the Armenians and to recognize the Genocide of Armenians, as they recognized the Jewish Holocaust.

RIMA VARZHAPETYAN,
Chairman of the JCA.

Mr. HOLT. Mr. Speaker, I rise today to honor the memory of the one and a half million Armenians who perished in the Armenian Genocide of 1915–1923.

The Armenian Genocide was one of the most awful events in history. It was a horrible precedent for other twentieth-century genocides—from Nazi Germany to Cambodia, Bosnia, and Rwanda.

This great tragedy is commemorated each year on April 24. On that day in 1915 hundreds of Armenian leaders in Constantinople were rounded up to be deported and killed.

In the following years, Ottoman officials expelled millions of Armenians from homelands they had inhabited for over 2,500 years. Families—men, women, and children—were driven into the desert to die of starvation, disease, and exposure. Survivors tell of harrowing forced marches and long journeys packed into cattle cars like animals. In 1915, the New York Times carried reports of families burned alive in wooden houses or chained together and drowned in Lake Van.

Mr. Speaker, the murder of innocent children can never be an act of self-defense, as the Ottomans claimed. As Henry Morgenthau, Sr., the United States Ambassador to Turkey, cabled to the U.S. Department in 1915, the actions of the Ottoman Government constituted "a campaign of race extermination * * * under pretence of a reprisal against rebellion."

Documents in the archives of the United States, Britain, France, Austria, the Vatican, and other nations confirm Ambassador Morgenthau's assessment. While the Turkish government claims it resources show otherwise, Turkey has never opened its archives to objective scholars.

It is time for the world to deal honestly and openly with this great blemish on our common history.

The United States can be proud of its role in opposing the genocide while it was taking place.

Ambassador Morgenthau, with State Department approval, collected witness accounts and other evidence of atrocities, calling international attention to the genocide. A Concurrent Resolution of the United States Senate encouraged the President to set aside a day of sympathy for Armenian victims. Congress and President Wilson chartered the organization of Near East Relief, which provided over $100 million in aid for Armenian survivors and led to the adoption of 132,000 Armenian orphans as foster children in the United States.

Yet the international community failed to take decisive action against the criminals who planned and instigated this tragedy.

After World War I, courts-martial sentenced the chief organizers of the Armenian Genocide to death, but the verdicts of the courts were not enforced. International standards were not asserted to hold Ottoman officials accountable.

I have cosponsored legislation that would help redress this tragedy.

H. Res. 398 would take steps to ensure that all Foreign Service officers and other United States officials dealing with human rights issues are familiar with the Armenian Genocide and the consequences of the failure to enforce judgments on the responsible officials.

It would also recognize the seriousness of these events by calling on the President to refer to the deaths of 1.5 million Armenians following 1915 as ''genocide.''

In 1939, when Adolf Hitler was issuing orders for German ''Death Units'' to murder Polish and Jewish men, women, and children, he noted, ''After all, who remembers the extermination of the Armenians?''

Mr. Speaker, the Congress of the United States remembers the Armenians. I urge my colleagues to join me in condemning genocide and honoring the memory of 1.5 million innocent victims. Cosponsor H. Res. 398.

Mr. ACKERMAN. Mr. Speaker, I am honored to join with so many of my colleagues in recalling the horrors visited upon the Armenian people and to take a stand against those who would deny the past in order to shape the future. The Armenian Genocide, which occurred between 1915 and 1923, resulted in the deliberate death of 1.5 million human souls, killed for the crime of their own existence.

A shocking forerunner of still greater slaughter to come in the 20th century, the Armenian Genocide marked a critical point in history, when technology and ideology combined with the power of the state to make war on an entire people. The Ottoman Empire's campaign to eliminate the whole of the Armenian population existing within its borders was no accident, no mistake made by a minor functionary. Genocide was official policy and 1.5 million corpses were the result. The innocent, the harmless, the blameless, without regard to age, sex or status, they were the victims of deportation, starvation and massacre.

When we here, in the House of Representatives, recall the deaths of the innocent of Armenia, we stand as witnesses to history and recognize the common bond of humanity. We acknowledge not just Armenians, but all the victims of vicious nationalism, ethnic and religious hatred, and pathological ideologies. The double tragedy of the Armenian Genocide, is first, that 1.5 million lives were snuffed out, and second, that the world, including the United States, not only did nothing, but again stood by as genocide took place on an even vaster scale across Europe only 16 years later.

''Never again.'' This is the simple lesson we as a nation have learned from the unprecedented slaughter of the innocent in the last century. Our armed forces are serving nobly around the world to make this dictum more than just words. If we are to be a just and honorable nation, we must do more than shrug our shoulders at atrocities. We, as a nation, must bear witness to history, and having acknowledged the horrors of the past, commit ourselves to preventing their repetition.

Mr. Speaker, I am here today for one simple reason: to recall publicly that eighty-five years ago one-third of the Armenian people were put to death for the crime of their own existence. To deny this reality is to murder them again. We can not, we must not, allow their deaths to be stripped of meaning by allowing the crime committed against them to slowly slip into the mists of lost memory.

Thanks to the strength and commitment of America's citizens of Armenian descent, their memory will not be lost. The victims of the Armenian Genocide will not be forgotten. I'd also like to commend and thank my colleagues Congressmen JOHN PORTER and FRANK PALLONE, the co-chairmen of the Congressional Caucus of Armenian Issues. Thanks to their leadership, this House has again honorably fulfilled America's commitment to memory and justice.

Mr. GILMAN. Mr. Speaker, I am honored that my colleagues have invited me to join in today's special order commemorating the tragic events that began in 1915.

I know how important this commemoration is to those Armenian-Americans descended from the survivors of the massacres carried out during World War I, almost eighty-five years ago.

Indeed, hundreds of thousands of Armenians died at that time as a result of brutal actions taken by the Turkish Ottoman Empire.

While the men and women who died during those tragic days would not live to see it, the Armenian nation has now re-emerged, despite the suffering its people endured under the Ottoman Empire and during the following eight decades of communist dictatorship under the former Soviet Union.

As I have said before, the independent state of Armenia stands today as clear proof that indeed the Armenian people have survived the challenges of the past—and will survive the challenges of the future as well.

Through assistance and diplomatic support, the United States is helping Armenia to build a new future.

Today, Mr. Speaker, I ask my colleagues to join us in looking to the past and in commemorating those hundreds of thousands of innocents who lost their lives some eighty-five years ago.

Mr. DOOLEY of California. Mr. Speaker, I rise today to join my colleagues in remembrance of the Armenian Genocide.

This terrible human tragedy must not be forgotten. Like the Holocaust, the Armenian Genocide stands as a tragic example of the human suffering that results from hatred and intolerance.

One and a half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

It would be an even greater tragedy to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, ''Who remembers the Armenians?''

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

And we must also be mindful of the current suffering of the Armenian, where the Armenian people are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and many more have been displaced and are homeless.

In the face of this difficult situation we have an opportunity for reconciliation. Now is the time for Armenia and its neighbors to come together and work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. The Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, ''Who remembers the Armenians?''

Our commemoration of the Armenian Genocide speaks directly to that, and I answer, we do.

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 85th anniversary of the Armenian Genocide.

After decades of ethnic and religious persecution, Armenians living within the Ottoman Empire joined together with the purpose of restoring freedom and self-determination to the Armenian people. In retaliation, the Sultan ordered the mass deportation of over 1,750,000 Armenians from their villages and homes and towards Mesopotamia. They left behind all they had known for a dozen generations and began a horrifying trek across an uninhabitable desert. These innocent families were either slaughtered by their captors, or died from dehydration and exhaustion by the hundreds of thousands. An estimated 1,500,000 men, women and children died during the course of this deadly exodus.

This upcoming April 24 we will pause, as we do each year, to remember those innocents who were so viciously murdered. We will join with all Armenian Americans and Armenians throughout the world in recognizing this horrifying genocide of their people, and by remembering we will make the promise to Armenians everywhere that this atrocity will never be repeated.

I have introduced H. Res. 398, commemorating the Armenian Genocide Resolution and insuring that no one further will deny this brutal chapter in human history. I ask that you join with me as I express my profound sorrow for the lost lives of millions, and as I celebrate the lives of their children and grandchildren who live on today. For by honoring the living, we most faithfully remember those who suffered a merciless death in the desert some 85 years ago.

Mr. CUNNINGHAM. Mr. Speaker, I want to lend my voice to this important debate remembering the Armenian Genocide. While Turkey's brutal campaign against the Armenian people was initiated almost a century ago, its impact lives on in the hearts of all freedom-loving people. That is why we must continue to speak about it. We must remind the American people of the potential for such atrocities against ethnic groups, because history lessons that are not learned are too often repeated.

After suffering three decades of persecution, deportation and massacre under the Ottoman Turks, the Armenian people were relieved when the brutal reign of Ottoman Turks Sultan Abdul Hamid came to an end in 1908. But that relief was short-lived, as the successor Young Turk dictators were working on a far more aggressive plan to deal with the Armenian people. By 1914, they were laying plans to eliminate the country's minorities—starting with the Armenian people. Segregating Armenians in the military, the Turks were able to work these people to death. That year, the government also organized other military units comprised of convicts for the express purpose of annihilating Armenian people.

By the spring of 1915, the Turkish dictators were ready to execute their final solution: they began ordering massive deportation and massacres of Armenian people. April 24 marked the fruition of this plan, with the murder of nearly 200 Armenian religious, political and intellectual leaders—which set off the full scale campaign to eliminate the Armenian people. Men, women, and children alike were subjected to torture, starvation and brutal death—and every kind of unspeakable act against humanity—in the name of Turkish ethnic cleansing. 1.5 million Armenian people perished at the hands of this brutal regime.

The U.S. has some of the most extensive documentation of this genocide against the Armenian people, but there has been no shortage of corroboration by other countries. The Armenian genocide has been recognized by the United Nations and around the globe, and the U.S. came to the aid of the survivors. But perhaps we were not vociferous enough in holding the perpetrators of this genocide accountable, and for shining the light of international shame upon them. For it was only a few decades later that we saw another genocide against humanity: the Holocaust. That is why we must continue to tell the story of Armenian genocide. It is a painful reminder that such vicious campaigns against a people have occurred, and that the potential for such human brutality exists in this world. We must remain mindful of the continued repression of Armenians today, and challenge those who would persecute these people. If we do not, future generations may be destined to relive such horrors against humanity.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor the memory of those who lost their lives during the Armenian Genocide.

The Armenians are an ancient people, having inhabited the highland region between the Black, Caspian, and Mediterranean seas for almost 3,000 years. Armenia was sometimes independent under its national dynasties, autonomous under native princes, or subjected to foreign rulers. The Armenians were among the first groups of people to adopt Christianity and to have developed a distinct national-religious culture.

Turkey invaded Armenia in the beginning of the 11th century, AD and conquered the last Armenian kingdom three centuries later. Most of the territories which had formed the medieval Armenian kingdoms were incorporated into the Ottoman Empire in the 16th century. While the Armenians were included in the Ottoman Empire's multi-national and multi-religious state, they suffered discrimination, special taxes, prohibition to bear arms, and other second-class citizenship status.

In spite of these restrictions, Armenians lived in relative peace until the late 1800's. When the Ottoman Empire started to strain under the weight of internal corruption and external challenges, the government increased oppression and intolerance against Armenians. The failure of the Ottoman system to prevent the further decline of its empire led to the overthrow of the government by a group of reformists known as the Young Turks. It would be under the Young Turks' rule between 1915 and 1918 that Armenians would be forcibly taken from their homeland and killed.

Hundreds of thousands of Armenian men were rounded up and deported to Syria by way of train and forced caravan marches. Armenian women and children were subjected to indescribable cruelties prior to losing their lives as well. While many Armenians survived the conditions of the packed cattle cars, they did not survive the Syrian desert. Killed by bandits or conditions from desert heat and exhaustion, most victims of the forced caravan marches did not even reach the killing centers in Syria. While others perished in the concentration camps in the Syrian desert where disease, starvation, and other health conditions brought about their demise.

This genocide, which was preceded by a series of massacres in 1894–1896 and in 1909 and was followed by another series of massacres in 1920, essentially dispersed Armenians and removed them from their historic homeland. The persecution of the Armenian people has left psychological scars among the survivors and their families. No person should have to endure the trauma and horrors that they have.

On May 2, 1995, I had the honor of meeting the former Armenian Ambassador to the United States, Rouben Robert Shugarian, at a Congressional reception commemorating the 80th anniversary of the Armenian genocide. Ambassador Shugarian introduced me to several survivors of the 1915 genocide. This experience was a deeply moving and personal reminder of the 1.5 million Armenians who perished during the systematic extermination by the Ottoman Empire.

It is important that we not only commemorate the Armenian Genocide, but honor the memory of those who lost their lives during this time. We must never forget this horrific and shameful time in world history so that it will never be repeated again.

Mr. MARTINEZ. Mr. Speaker, I rise today to join my colleagues in commemorating the 85th anniversary of the Armenian Genocide.

The spirits of 1.5 million Armenian men, women and children who perished at the hands of the Ottoman Turks cry out for justice. The collective weight of their deaths hangs like the Sword of Damocles over Turkey's refusal to recognize the sins of its past.

Mr. Speaker, eighty-five years after the brutal decapitation of the political, religious and economic leadership of Armenian society; eighty-five years after the forced marches of starvation; eighty-five years after its genocidal campaign against its Armenian population, the Turkish Government continues to deny the undeniable.

Mr. Speaker, the Armenian Genocide is an historical fact—a fact that has been indelibly etched in the annals of history. It cannot be wiped away from our collective conscience. It cannot be denied. The systematic slaughter of 1.5 million Armenians stands as one of the darkest and bloodiest chapters of the twentieth century. From 1915 to 1923, the government of the Ottoman Empire carried out a calculated policy of mass extermination against its Armenian citizens.

The Turkish Government has a moral obligation to acknowledge the Armenian Genocide. Just as Germany has come to grips and atoned for the Jewish Holocaust, Turkey must recognize and atone for the Armenian Genocide. To heal the open wounds of the past, Turkey must come to terms with its past. Turkey must also come to terms with its present hostile actions against the Republic of Armenia.

Mr. Speaker, the Government of Turkey should immediately lift its illegal blockade of Armenia. In addition, Turkey must stop obstructing the delivery of United States humanitarian assistance to Armenia. This is not only unconscionable but it also damages American-Turkish relations. Turkey is indeed an important ally of the United States. However, until Turkey faces up to its past and stops its silent but destructive campaign against the republic of Armenia, United States-Turkey relations will not rise to their full potential.

Mr. Speaker, the United States must continue to be a strong ally of Armenia. We must target our assistance to promote Armenian trade, long-term economic self-sufficiency, and Democratic pluralism. We must also continue to support section 907 of the Freedom Support Act, which is aimed at penalizing countries like Azerbaijan that prevent the transshipment of United States humanitarian relief through their territory.

Finally, our government must speak with one voice when it comes to the matter of the Armenian Genocide. While Congress has used the word genocide to describe the actions of the Ottoman Government against its Armenian population, the United States Government has not been as forthcoming. It is time for the President to put diplomatic niceties and Turkish sensitivities aside, and speak directly to the American people and to the world. Genocide is the only word that does justice to the memory of 1.5 million Armenian men, women and children that were victimized by the implementation of a deliberate, premeditated plan to eliminate them as a people from the face of the Earth. I stand here tonight to say that they have not been forgotten.

Mr. WEYGAND. Mr. Speaker, I come before you today to recognize the Armenian Genocide. Over a period of nine years, more than one million Armenians were systematically persecuted, expelled, and displaced from their homeland in eastern Turkey. The horrific shadows of this prejudicial, killing campaign continues to haunt us. May this day of remembrance and the stories shared here reverberate through the Nation so that history is not able to repeat itself.

Unfortunately, too few Americans know much about the suffering of the Armenian people from 1915 to 1923. During these years, the Young Turk government of the Ottoman Empire attempted to eradicate all traces of the Armenian people and their culture from Turkey. To expedite their demise, the government ordered direct killings, instituted starvation initiatives, participated in torture tactics, and forced death marches. By all accounts, this persecution was purposeful and deliberative. Such outrageous behaviors and insurmountable prosecution can only be deemed appropriately by the term ''genocide'', for a genocide implies complete annihilation and destruction. For political reasons, the United States government has long refused to accept this extermination and expulsion as such, fortunately that is rapidly changing.

As we remember those whose lives were lost, let us also pay tribute to those whose lives continue to thrive in spite of this dark history. The individuals that constitute the large Armenian-American population in our country continue to offer their communities valuable services and significant contributions both locally and nationally. The Armenian people continue to aggressively transform tragedy into triumph, and I salute the power of their spirit.

As we mark the anniversary of these horrific events, we need to heed the lessons learned and accept nothing less than absolute intolerance for this sort of behavior. Not only will we continue to remember and mourn the loss of so many Armenians, but we must also take notice and cease this action immediately worldwide. We must ensure that such a tragedy will never again be visited upon any people in the world.

Mr. ROTHMAN. Mr. Speaker, I rise today to join my colleagues in honoring the memory of the 1.5 million martyrs of the Armenian Genocide. I want to begin by thanking the co-chairs of the Armenian Caucus, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order which pays tribute to the victims of one of history's most terrible tragedies.

I am proud to be a cosponsor of H.R. 398, the ''United States Training on and Commemoration of the Armenian Genocide Resolution.'' This bill rightly calls upon the President of the United States to provide for appropriate training and materials to all U.S. Foreign Service officers, officials of the Department of State, and any other executive branch employee involved in responding to issues related to human rights, ethnic cleansing, and genocide by familiarizing them with the U.S. record relating to the Armenian Genocide. Further, H.R. 398 calls on the President to issue an annual message commemorating the Armenian Genocide on or about April 24, to characterize in this statement the systematic and deliberate annihilation of 1,500,000 Armenians as genocide, and also to recall the proud history of U.S. intervention in opposition to the Armenian Genocide.

Mr. Speaker, since my election to Congress in 1966, I have worked to affirm the historical record of the Armenian Genocide and have sought to respond directly to those who deny what was the first crime against humanity of the 20th century. As the eminent historian Professor Vahakn Dadrian wrote in a brief prepared on the Armenian Genocide last year for the Canadian Parliament, ''When a crime of such magnitude continues to be denied, causing doubt in many well-meaning and impartial people, one must refute such denial by producing evidence that is as compelling as possible.'' I share this belief and for that reason I strongly support the goals laid out in H.R. 398. I look forward to working hard to secure this worthwhile bill's passage by the House International Relations Committee and further, by working to ensure that it secures broad, bipartisan support when it is considered by the full House of Representatives.

Again, I thank Representatives PORTER and PALLONE for organizing this special order and I urge all my colleagues to cosponsor H.R. 398.

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketze azat ankakh Hayastan'—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

Mr. VISCLOSKY. Mr. Speaker, I rise today in solemn memorial to the estimated 1.5 million men, women, and children who lost their lives during the Armenian Genocide. As in the past, I am pleased to join so many distinguished House colleagues on both sides of the aisle in ensuring that the horrors wrought upon the Armenian people are never repeated.

On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish Government in Istanbul. Over the course of the next 8 years, this war of ethnic genocide against the Armenian community in the Ottoman Empire took the lives of over half the world's Armenian population.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and dismantling of Armenian culture. To those who would question these events, I point to the numerous reports contained in the United States National Archives detailing the process that systematically decimated the Armenian population of the Ottoman Empire. However, old records are too easily forgotten—and dismissed. That is why we come together every year at this time: to remember in words what some may wish to file away in archives. This genocide did take place, and these lives were taken. That memory must keep us forever vigilant in our efforts to prevent these atrocities from ever happening again.

I am proud to note that Armenian immigrants found, in the United States, a country where their culture could take root and thrive. In my district in Northwest Indiana, a vibrant Armenian-American community has developed and strong ties to Armenia continue to flourish. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and his distinguished service in the House serves as an example to the entire Northwest Indiana community. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District, who have continually worked to improve the quality of life in Armenia, as well as in Northwest Indiana. Two other Armenian-American families in my congressional district, Heratch and Sonya Doumanian and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

In the House, I have tried to assist the efforts of my Armenian-American constituency by continually supporting foreign aid to Armenia. This last year, with my support, Armenia received over $100 million of the $240 million in U.S. aid earmarked for the Southern Caucasus. I strongly oppose the Administration's efforts to increase aid to other Southern Caucasus nations at the expense of Armenia.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee, which allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

In order to help preserve the memory of these dark years in Armenian history, I am a proud supporter of efforts by Representatives GEORGE RADANOVICH and DAVID BONIOR to promote the use of the recorded history of these events to demonstrate to America's Foreign Service officers and State Department officials the circumstances which can push a nation along the path to genocide. Their measure, H. Res. 398, the United States Training on and Commemoration of the Armenian Genocide Resolution, would also call upon the President to characterize this policy of deportation and execution by the Ottomans as genocidal, and to recognize the American opposition and attempts at intervention during this period.

While it is important to keep the lessons of history in mind, we must also remain committed to protecting Armenia from new and more hostile aggressors. In the last decade, thousands of lives have been lost and more than a million people displaced in the struggle between Armenia and Azerbaijan over Nagorno-Karabagh. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Azerbaijan, Turkey, and other countries continue to engage in a debilitating blockade of this free nation.

Section 907 of the Freedom Support Act restricts U.S. aid for Azerbaijan as a result of this blockade. Unfortunately, as Armenia enters the eleventh year of the blockade, the Administration is again asking Congress to repeal this one protection afforded the beleaguered nation. I stand in strong support of Section 907, which sends a clear message that the United States Congress stands behind the current peace process and encourages Azerbaijan to work with the Organization for Security and Cooperation in Europe's Minsk Group toward a meaningful and lasting resolution. In the end, I believe Section 907 will help conclude a conflict that threatens to destabilize the entire region and places the Armenian nation in distinct peril.

Mr. Speaker, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 58th Anniversary of the Armenian genocide. Their efforts will not only help bring needed attention to this tragic period in world history, but also serve to remind us of our duty to protect basic human rights and freedoms around the world.

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate the 85th anniversary of the Armenian Genocide. I am a proud cosponsor of H. Res. 398 which commemorates the victims of the Armenian Genocide by calling on the President to honor the 1.5 million victims of the Armenian Genocide and to provide educational tools for our Foreign Diplomats responsible for addressing issues of human rights, ethnic cleansing, and genocide.

Throughout three decades in the late nineteenth and early twentieth centuries, Armenians were systematically uprooted from their homeland of three thousand years, and millions were deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history of the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery, and torture. Most were ultimately murdered.

The tragedy of the Armenian Genocide has been acknowledged around the world, in countries like Argentina, Belgium, Canada, Cyprus, France, Great Britain, Greece, Lebanon, Russia, the United States, and Uruguay, as well as international organizations such as the Council of Europe, the European Parliament, and the United Nations.

Yet, despite irrefutable evidence, Turkey has refused, for over 85 years, to acknowledge the Armenian Genocide. Even in present day, Turkey continues to have inimicable relations with Armenia. In addition to denying the crimes committed against the Armenian people, Turkey continues to block the flow of humanitarian aid and commerce to Armenia.

I personally admire the dedication and perseverance of the Armenian-American community, and their ever present vigil to educate the world of their painful history. In spite of their historic struggles, children and grandchildren of the survivors of the Armenian Genocide have gone on to make invaluable contributions to society, while at the same time preserving their heritage and unique identity. Over 60,000 Armenian-Americans live in the greater Boston area. Within Massachusetts, many of these Armenians have formed public outreach groups seeking to educate society about Armenia's culture.

I made the observation last year about how sad and frustrating it was that at the beginning of this century, Armenians were murdered en masse and now, at the end of the 20th century, the same type of brutal killing of innocent people continues. The human race has now entered a new millennium, and we must be more vigilant about holding governments accountable for their actions. Last September, in East Timor, thousands of men, women, and children were mercilessly slaughtered; in Sierra Leone, thousands of children have been brutally maimed; and in Chechnya, hundreds of women and children have been forced to flee their homes, the number of deaths remain unknown. By acknowledging and commemorating the Armenian Genocide, the U.S. and many other countries are sending a message that governments cannot operate with impunity towards our fellow man.

Let me end by saying, that as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district to promote investment and prosperity in Armenia. We must continue to be vigilant, we must preserve the rich identities of Armenians, and we must work towards ending crimes against all humanity.

Mr. LEVIN. Mr. Speaker, I am proud to join my colleagues in Congress to commemorate the 85th anniversary of the Armenian Genocide.

Between 1894 and 1923, approximately two million Armenians were massacred, persecuted, and exiled by the Turk government of the Ottoman Empire. This campaign of murder and oppression, perpetrated by the Turk government attempted to systematically wipe out the Armenian population of Anatolia, their historic homeland.

Even though the Turk government held war crime trials and condemned to death the chief perpetrators of this heinous crime against humanity, the vast majority of the culpable were set free. To this day, the Turk government denies the Armenian Genocide ever took place.

Indeed, the government of Turkey goes even further calling the Armenians ''traitors'' who collaborated with the enemies of the Ottoman Empire during war. We cannot permit such blatant disregard and denial to continue. Genocide is genocide, no matter how, when, or where it happens.

Mr. Speaker, there are many living survivors in my district. The memory of their tragedy still haunts them. They participate each year in commemoration ceremonies with the hope that the world will not forget their anguish. They hope that one day the Turkish government will show signs of remorse for a crime committed by their ancestors.

To me, Mr. Speaker, the Armenian Genocide is not just a footnote in history. It is something that people all over the world feel very deeply about. It is an issue above politics and partisanship. It is a question of morality.

Mr. Speaker, it is imperative that each of us works to ensure that our generation and future generations never again witness such inhuman behavior and suffering. The crime of genocide must never again be allowed to mar the history of mankind, and today we stand with our Armenian brothers and sisters, to remember and commit ourselves to a better future in their memory.

Mr. MOAKLEY. Mr. Speaker, I am glad to join with my colleagues in this solemn remembrance of the Armenian genocide. It is vitally important that we never forget the Armenian people who died in that tragedy, and all those who were persecuted in those difficult years that followed.

As we know, on April 24, 1915, Turkish officials arrested and exiled more than 200 Armenian political, intellectual and religious leaders. This symbolic cleansing of Armenian leaders began a reign of terror against the Armenian people that lasted until 1923, and resulted in the death of more than 1.5 million Armenians. Over that eight year period another 500,000 Armenians were displaced from their homes.

Mr. Speaker, many of the survivors of the Armenian genocide came to the United States, and have made countless contributions to our society. We know them well as our friends and neighbors. For years, these survivors and their descendants have told the painful story of their past, which often fell on deaf ears. I am glad to lend my voice, along with so many other of my colleagues today, to show the world how important the Armenians' story is to our history—and our future. It is amazing how often history will repeat itself, and how often we don't listen to the past. The memory of the Armenian Genocide, no matter how cruel and brutal, must serve as a lesson to us all to never ignore such actions again.

Mr. FORBES. Mr. Speaker, I rise today with solemn reflection to remember one of the most inhumane episodes of the 20th Century, the Armenian Genocide. From 1915 to 1922, the Ottoman Empire, ruled by Muslim Turks carried out a policy to exterminate its Christian Armenian minority. The genocide started with a series of massacres in 1894–1896, and again in 1909. This was followed by another series of massacres, which began in 1920. By 1922 the Armenians had been eradicated from their historic homeland.

There were three prevailing aspects of the Armenian Genocide: the deportations, the massacres, and the concentration camps. The deportations affected the majority of Armenians in the Turkish Empire. From as far north as the Black Sea and as far west as European Turkey, Armenians were forcibly removed and transported to the Syrian Desert. At many of these relocation sites, large-scale massacres were carried out. The few survivors were dispersed across Syria, Iraq, and as far south as Palestine.

Winston Churchill once observed that ''In 1915 the Turkish Government began and ruthlessly carried out the infamous general massacre and deportation of Armenians in Asia Minor. There can be no reasonable doubt that this crime was planned and executed for political reasons.''

Our former Ambassador to the Ottoman Empire (1913–16) Henry Morgenthau stated that ''when the Turkish authorities gave the orders for those deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal this fact.''

We must keep in mind the historical perspective of this terrible tragedy. Over 1.8 million Armenian civilians perished at the hands of their Turkish persecutors. We must educate our children to tolerate each other's differences and embrace a healthy respect for humanity. Only by instilling future generations with an understanding of these terrible events in the past may we prevent them from reoccurring in the future. We must not fail to live up to our collective responsibilities; the victims of this terrible tragedy deserve nothing less.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today, we commemorate the Armenian Genocide of April 24th 1915, and in so doing honor the memories of those who survived and those who were killed on that tragic night. It is hard to talk about that date and many would prefer not to, but if we cannot recognize the tragedies of the past, how can we avoid them in the future? Ethnic violence and genocide have marred our collective history from its earliest days, challenging generations throughout time. Yet we cannot forget these events; we cannot cover up, ignore, or rewrite history so that these crimes against humanity disappear.

Our Nation's connection to the Armenian people is great, as has been their contribution to the United States. In my home state of Rhode Island, we have one of the largest populations of Armenians in the country and the State is blessed with the gifts of the Armenian community. To truly honor those gifts, we must take time every year to understand what that community has been through, and the part of their history that is the Armenian Genocide. That is why on this day we remember the unjustifiable, unprovoked, and undeniable massacre of Armenians by the Ottoman Empire. What the Ottoman Empire began that night 85 years ago was a policy of ethnic cleansing. It can be called nothing else.

Today, brave American men and women serve in our Armed Forces across the globe. They do more than protect nations, they serve as reminders to the world and ourselves of what our country stands for. The Armenian Genocide should also serve as a reminder, of what will happen if we do nothing in the face of potential tragedies. It serves as a reminder that we must do better to protect peace and stability and human rights around the world.

Mr. DINGELL. Mr. Speaker, the sick man of Europe had been dying a slow death. It was a particularly dark time in Europe when the sick man finally succumbed, and an empire collapsed. During World War I—a tumultuous, revolutionary time of great societal transformations and uncertain futures on the battlefields and at home—desperate Ottoman leaders fell back on the one weapon that could offer hope of personal survival. It is a weapon that is still used today, fed by fear, desperation, and hatred. It transforms the average citizen into a zealot, no longer willing to listen to reason. This weapon is, of course, nationalism. Wrongly directed, nationalism can easily result in ethnic strife and senseless genocide, committed in the name of false beliefs preached by immoral, irresponsible, reprehensible leaders.

Today I rise not to speak of the present, but in memory of the victims of the past, who suffered needlessly in the flames of vicious, destructive nationalism. On April 24, 1915, the leaders of the Ottoman government tragically chose to systematically exterminate an entire race of people. We gather in solemn remembrance of the result of that decision, remembering the loss of one-and-a-half million Armenians.

The story of the Armenian genocide is in itself appalling. It is against everything our government—and indeed all governments who strive for justice—stands for; it represents the most wicked side of humanity. What makes the Armenian story even more unfortunate is history has repeated itself in all corners of the world, and lessons that should have been learned long ago have been ignored.

We must not forget the Armenian genocide, the Holocaust, Rwanda, or Bosnia. Today, on this grim anniversary, we must remember why our armed forces fought in the skies over Yugoslavia last year.

We must not sit idly by and be spectators to the same kind of violence that killed so many Armenians; we must not watch as innocent people are brutalized not for what they have done, but simply for who they are. Ethnic cleansing is genocide and can not be ignored by a just and compassionate country. We owe it to the victims of past genocides to stamp out this form of inhumanity.

It is an honor and privilege to represent a large and active Armenian population, many who have family members who were persecuted by their Ottoman Turkish rulers. Michigan's Armenian-American community has done much to further our state's commercial, political, and intellectual growth, just as it has done in communities across the country. And so I also rise today to honor to the triumph of the Armenian people, who have endured adversity and bettered our country.

But again, Mr. Speaker, it is also my hope that in honoring the victims of the past, we learn one fundamental lesson from their experience: Never Again!

Mr. McGOVERN. Mr. Speaker, I am grateful for the opportunity to honor the memory of the one and a half million Armenians who were massacred and the over 500,000 Armenian survivors who fled into exile during the 1915–to–1923 genocide carried out by Ottoman Turkey.

As Henry Morgenthau, Sr., the U.S. Ambassador to the Ottoman Empire stated, ''I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the suffering of the Armenian race in 1915.''

The new century marks the 85th Anniversary of the Armenian Genocide. I would have liked to proclaim that the United States and the international community now recognize this tragic historic event with official commemorations. I would have liked to announce that the Government of Turkey officially acknowledges the Genocide. Unfortunately, we enter the year 2000 with continuing acts of denial that this Genocide took place, efforts to re-write the historical record, and the refusal by many governments, including the United States, to use officially the word ''genocide'' to describe the deliberate murder of hundreds of thousands of Armenians.

Entire villages were destroyed. Entire families were exterminated. There can be no forgiveness, no peace for the dead, no comfort for the families of survivors, until Turkey and the nations of the world officially acknowledge this Genocide.

Surely as we enter the new millennium, the United States, Turkey and the international community should make this simple, but profound, statement of fact.

I'm very proud to say that Central Massachusetts, and especially the City of Worcester, has been diligent in keeping the history of the Armenian Genocide alive and contemporary. A series of lectures to study genocide issues and present them to the general public have been organized over the past year by the Center for Holocaust Studies of Clark University, the Center for Human Rights at Worcester State College, and the Armenian National Committee of Central Massachusetts. It was my pleasure to participate in one of these forums looking at the tragedy of East Timor and its relation to past genocides.

Last month, the forum brought Dr. Israel Charny, executive director of the Institute on the Holocaust and Genocide, and professor of psychology and family therapy at Hebrew University in Israel, to speak at Worcester State College.

Dr. Charny is recognized as a leading Holocaust and genocide scholar. He is credited as one of the primary figures in the development of the field of Comparative Genocide Studies, which approaches particular genocides, including the Holocaust, as part of an ongoing history of many genocides. This field strives to understand and prevent genocide as a human rights problem and a social phenomenon that concerns all people.

In his lecture at Worcester State College, Dr. Charny spoke of his growing concern about denials of known genocides. He describes denial as ''the last stage of genocide,'' ''political and psychological warfare,'' and ''a killing of the record of history.''

Charny goes on to describe some of the methods of denial. For example, there is ''malevolent bigotry,'' or a sloppy out and out expression of hateful denial. Another tactic is ''definitionalism,'' which insists on defining particular cases of mass murder as not genocide. And yet another is ''human shallowness,'' or a dulling of the genuine sense of tragedy and moral outrage toward such acts. Sadly, we have seen all of these, even on American college campuses, used to undermine the historical record of the Armenian Genocide.

We are blessed in Worcester to have the united efforts of Clark University, Worcester State College and the Arnenian National Committee of central Massachusetts to combat such attempts to deny history.

Last Sunday, on April 9th, ANC of Central Massachusetts sponsored a lecture in Worcester by Dr. Hilmar Kaiser, who is a noted scholar on the Armenian Genocide. Dr. Hilmar also spent the weekend in Franklin, Massachusetts, at Camp Haiastan to participate in the Genocide Educational Weekend for the Armenian Youth Federation.

I am also looking forward to attending the memorial service on April 24th, organized by the Worcester Armenian churches, to commemorate the 85th Anniversary of the Armenian Genocide. That service will be held at the Church of Our Savior on Salisbury Street in Worcester.

Mr. Speaker, it is not just for our past, but for our future, that we remember and commemorate the tragedy of the Armenian Genocide—and not just annually, but every day of the year. I am proud to be a cosponsor of H. Res. 398, introduced by my colleagues Congressman RADANOVICH and Congressman BONIOR, to ensure that U.S. diplomatic personnel and other executive branch officials are well-trained in issues related to human rights, ethnic cleansing and genocide.

I am proud to be a cosponsor of H. Res. 155 to have the U.S. government share its collection and records on the Armenian Genocide with the House International Relations Committee, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Armenia.

We must all share the information, share the history, and keep the memory of the Armenian Genocide alive. Central Massachusetts is doing its part. I call upon my President to ensure the U.S. government does all it can to honor and officially recognize the Armenian Genocide.

Mrs. KELLY. Mr. Speaker, I rise today and join with my colleagues in remembering the 85th anniversary of the Armenian Genocide. I would like to thank the other members of the Congressional Caucus on Armenian Issues, and particularly the co-chairmen, Mr. PORTER and Mr. PALLONE, for their tireless efforts in organizing this fitting tribute.

Eighty-five years ago Monday, April 24, 1915, the nightmare in Armenia began. Hundreds of Armenian religious, political, and educational leaders were arrested, exiled, or murdered. These events marked the beginning of the systematic persecution of the Armenian people by the Ottoman Empire, and also launched the first genocide of the 20th century. Over the next eight years, 1.5 million Armenians were put to death and 500,000 more were exiled from their homes. These atrocities are among the most cruel and inhumane acts that have ever been recorded.

As we reflect today on the horrors that were initiated 85 years ago, I cannot help but be disturbed by those who wish to deny that these deeds occurred. Despite the overwhelming evidence to the contrary—eyewitness accounts, official archives, photographic evidence, diplomatic reports, and testimony of survivors—they reject the claim that genocide, or any other crime for that matter, was perpetrated against Armenians. Well, History tells a different story.

Let me read a quote from Henry Morgenthau, Sr., U.S. Ambassador to the Ottoman Empire at the time: ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. . . .''

The world knows the truth about this tragic episode in human affairs. We will not allow those who wish to rewrite History to absolve themselves from responsibility for their actions. This evening's event here in the House of Representatives is testament to that fact. We can only hope that the recognition and condemnation of this, and other instances of genocide, will prevent a similar instance from happening again in the 21st Century.

In addition, I also encourage my colleagues to join me and the 37 other members who have cosponsored H. Res. 398, offered by Representative RANDANOVICH. This resolution will help affirm the record of the United States on the Armenian Genocide and will play a role in educating others about the atrocities that were committed against the Armenian people. It is critical that we continue to acknowledge this terrible tragedy to ensure that it is neither forgotten nor ignored.

I would like to once again thank the organizers of this event and I would like to once again reaffirm my sincere thanks for being given the opportunity to participate in this solemn remembrance.

Mr. WAXMAN. Mr. Speaker, I join my colleagues in commemorating the 85th anniversary of the Armenian Genocide.

On April 24, 1915, the Ottoman government unleashed an eight-year assault against its Armenian population. During this brutal campaign, one and a half million innocent men, women, and children were murdered, Armenian communities were systematically destroyed, and over one million people were forcibly deported.

The pain of these atrocities is only compounded by the Turkish government's revisionism and denial of the tragic events that took place. This is what Elie Wiesel has called a ''double killing''—murdering the dignity of the survivors and the remembrance of the crime. It is incumbent upon us to stand up against these efforts and make United States records documenting this period available to students, historians, and the descendants of those who survived.

This somber anniversary is a tribute to the memory of the victims of the Armenian Genocide, and a painful reminder that the world's inaction left a tragic precedent for other acts of senseless bloodshed. The road from Armenia to Auschwitz is direct. If more attention had been centered on the slaughter of these innocent men, women, and children, perhaps the events of the Holocaust might never have taken place.

Today, we vow once more that genocide will not go unnoticed and unmourned. We pledge to stand up against governments that persecute their own people, and declare our commitment to fight all crimes against humanity and the efforts to hide them from the rest of the world.

Ms. STABENOW. Mr. Speaker, today I join with my colleagues in what has become an annual event in which none of us take great joy in. Today, the Turkish government still denies the Armenian genocide and it does so to its own detriment. All of us would like to see the denial in Ankara end. The Armenian genocide happened. The historic fact, Mr. Speaker, is that 1.5 million Armenians were killed and over 500,000 deported from 1894 to 1921.

On April 24, 1915, 300 Armenian leaders, writers and intellectuals were rounded up, deported and killed. 5000 other poor Armenians were killed in their homes. The Turkish government continues to deny the Armenian genocide and claims that Armenians were only removed from the eastern war zone. America has been enriched in countless ways from the survivors of the Armenian genocide who have come here. As a representative from Michigan, I want to especially highlight that we have been blessed by the contributions of the Armenian communities.

Today I rise to call upon the Republic of Turkey, an ally of the United States, to admit what happened. Mr. Speaker, we want Turkey to see its history for what it is so it can see its future for what it can be. Let us all rise today to commemorate the Armenian genocide and hope that events like it never happen again.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today with my colleagues to acknowledge the horrific events that occurred during the Armenian Genocide from 1915 to 1923, the final days of the Ottoman Empire.

The horror of the Genocide is seared in the minds of Armenians around the world. Beginning in 1915 the Ottoman Empire, ruled by Muslim Turks, carried out a series of massacres in order to eliminate its Christian Armenian minority. By 1923, 1.5 million Armenians were brutally killed, while another 500,000 were deported. Stateless and penniless. Armenians were forced to move to any country that afforded refuge. Many found their way to the United States, while others escaped to countries such as Russia and France.

Future generations must be made aware of this historic event in our world history. It is unfortunate that the Republic of Turkey refuses to acknowledges the genocide against the Armenians. Innocent people were deprived of their freedom and senselessly killed because of their religious or political beliefs.

Armenia has made great strides to become an independent state. In 1992 the newly independent republic of Armenia, became a member of the United Nations, and in 1995 held their first open legislative elections.

Since the genocide, various acts of human rights violations have continued to take place around the world. If we ever hope to prevent further genocides we must never forget the atrocities endured by the Armenian people.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, today I come to the floor to commemorate the anniversary of one of the darkest stains on the history of Western Civilization—the genocide of the Armenian people by the Ottoman Turkish Empire. I greatly appreciate the strong support of so many of our colleagues in this effort, especially the gentleman from New Jersey, Mr. PALLONE, my fellow co-chairman of the Armenian Issues Caucus.

I wish, as every Member does, that this Special Order did not have to take place. But every year, I return to the floor in April to speak out about the past. To fail to remember the past, not only dishonors the victims and survivors—it encourages future tyrants to believe that they can commit such heinous acts with impunity. Unfortunately, we have seen over and over the tragic results of hatred and ignorance: the Holocaust, the Rwandan Genocide, the ethnic cleansing in the former Yugoslavia, the continued mass killing in the Sudan and the massacres in East Timor last fall. And far too often the so-called civilized nations of the world turned a blind eye.

On April 24, 1915, over 200 Armenian religious, political and intellectual leaders were arrested in Istanbul and killed, marking the beginning of an 8-year campaign which resulted in the destruction of the ethnic Armenian community which had previously lived in Anatolia and Western Armenia. Between 1915 and 1923, approximately 1.5 million men, women and children were deported, forced into slave labor camps, tortured and eventually exterminated.

The Armenian Genocide was the first genocide of the modern age and has been recognized as a precursor of subsequent attempts to destroy a race through an official systematic effort. Congress has consistently demanded recognition of the historical fact of the Armenian Genocide. The modern German Government, although not itself responsible for the horrors of the Holocaust, has taken responsibility for and apologized for it. Yet, the Turkish Government continues to deny that the Armenian genocide ever took place.

The past year has seen small steps of progress concerning Turkey's relationship with its neighbors. The devastating earthquakes of last summer in Turkey and subsequently Greece, allowed various nations in the region, including Armenia, to work together on humanitarian grounds. Turkey's EU candidacy is forcing it to face its problems both with its neighbors Greece, and Cyprus as well as internal problems such as its continuing human rights violations.

Although I am encouraged by these small steps, Turkey has yet to show the world that it is serious about solving the human rights problems within its borders. Remaining in jail are the Kurdish parliamentarians who were arrested over six years ago as well as numerous human rights workers. At the end of 1999, Turkey had the second highest number of journalists in jail—eighteen—the only country in the world with more was China. I sincerely hope Turkey's desire to become part of the EU community will require Turkey to improve its internal human rights problems as well as face its past and acknowledge its role in one of the 20th centuries greatest tragedies—the Armenian Genocide.

Armenians will remain vigilant to ensure that this tragic history is not repeated. The United States should do all that it can in this regard as well, including a clear message about the historical fact of the Armenian Genocide. We do Turkey no favors by enabling her self-delusion, and we make ourselves hypocrites when we fail to sound the alarm on what is happening today in Turkey.

Armenia has made amazing progress in rebuilding a society and a nation—a triumph of the human spirit in the face of dramatic obstacles. Armenia is committed to democracy, market economics and the rule of law. Even in the face of the tragedy which befell the Armenian Government last October, where eight people were murdered in the parliament including the Prime Minister Sarkisian, the Armenian Government and its people remain committed to freedom and democracy. I will continue to take a strong stand in Congress in support of these principles and respect for human rights, and I am proud to stand with Armenia in so doing. We must never forget what happened to the Armenians 85 years ago, just as we must never overlook the human rights violations which are happening today in all corners of the world.

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IN REMEMBRANCE OF THE ARMENIAN HOLOCAUST

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, today I rise to commemorate one of the most tragic events in the 20th century and that is, of course, the Armenian Genocide of 1915 to 1923. It ranks amongst the most tragic episodes. It was the first but unfortunately not the last of the incidents of ethnic genocide that the world experienced during the last century. More than one and a half million innocent Armenians had their lives ended mercilessly.

It is staggering to even contemplate the idea of one and a half million people having their lives ended so arbitrarily, but we must remember the victims of this genocide as they were, not numbers but mothers and fathers and sons and daughters, brothers, sisters, aunts, uncles, cousins and, of course, friends. Each and every victim had hopes, dreams, and a life that deserved to be lived to the fullest.

It is our duty to remember them today and every day. As we stand here today at the beginning of a new century and a new millennium, we should take a moment to speak about the need that that tragic event serves as a constant reminder for us to be on guard against the repression of any people, particularly any oppression based on their race or their religion.

Unfortunately, during the genocide, the world turned a blind eye to the horrors that were inflicted. Too often during the last century the world stood silent while whole races and religions were attacked and nearly annihilated. As the saying goes, those who forget history are doomed to repeat it. We must never forget the important lessons of the Armenian Genocide.

As a member, Mr. Speaker, of the Congressional Armenian Caucus, I join many others in the House of Representatives working hopefully to bring peace and stability to Armenia and its neighboring countries. Division and hatred can only lead to more division and hatred, as has too often been proved. Hopefully the work of the caucus and of others committed to the same cause will help ensure that an atrocity such as the genocide will never happen again in Armenia or elsewhere.

While I might not be Armenian, Mr. Speaker, my wife is and many, many of our friends, which causes me, of course, to say ''yes odar empaytz seerdus high e.''

I am not Armenian but my heart is, and we all should have our heart with them on this particular occasion.

WE MUST REMEMBER THE ARMENIAN GENOCIDE SO THAT IT NEVER HAPPENS AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, like many of my colleagues, I rise to remember the Armenian Genocide which took place over several years, but the remembrance day is to remember an event 85 years ago, so this is a particularly important anniversary of that genocide.

We are asked why it is so important to come to this floor again and again to remember. We must remember so that it never happens again, and we must remember because there is an organized effort to hide and to disclaim this genocide; and we must overcome that effort, and we must never forget.

Let us look at the historical record. The American ambassador to the Ottoman Empire in 1919 was an eyewitness. In his memoirs, he said, ''When the Turkish authorities gave the order for these deportations they were merely giving the death warrant to an entire race. They understood this well and in their conversations with me made no particular attempt to conceal this fact.''

He went on to describe what he saw at the Euphrates River, and he said, as our eyes and ears in the Ottoman Empire, because that is the role an ambassador plays, in the year 1919, ''I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which they, the Armenian men and women, are victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortune of the Armenian people.''

As other speakers have pointed out, this was the first genocide of the 20th century, and it laid the foundation for the Holocaust to follow.

We can never forget that 8 days before he invaded Poland, Adolf Hitler turned to his inner circle and said, ''Who today remembers the extermination of the Armenians?'' The impunity with which the Turkish government acted in annihilating the Armenian people emboldened Adolf Hitler and his inner circle to carry out the Holocaust of the Jewish people. Unfortunately, today there is an organized effort to expunge from the memory of the human race this genocide, and it focuses on our academic institutions.

Mr. Speaker, I am a proud graduate of UCLA; and a few years ago UCLA was offered a million dollars to create a special chair that would be under the partial control of the Turkish government, a chair in history that would have been used to cover up and to disclaim and to deny the first genocide of the 20th century.

Mr. Speaker, I am very proud of UCLA for many things. I was there when Bill Walton led us to the NCAA championship, but I was never prouder of my alma mater than when UCLA said no to a million dollars; and it is important that every American academic institution say no to genocide denial.

It is also important that the State Department go beyond shallow, hollow reminders and remembrances of this day and step forward and use the word genocide in describing the genocide of the Armenian people at the hands of the Turks.

It is time for Turkey to acknowledge this genocide, because only in that way can they rise above it. The German government has been quite forthcoming in acknowledging the Holocaust, and in doing so it has at least been respected by the peoples of the world for its honesty. Turkey should follow that example rather than trying to buy chairs at American universities to deny history.

Mr. Speaker, we must go beyond merely remembering the Armenian Genocide and also insist that the survivors of that genocide are treated justly, that the people of Armenia and Artsakh enjoy freedom and independence; and we must end the blockade of Armenia imposed by Turkey.

Mr. Speaker, when it comes to this genocide, we must say, and say loudly, never again and never forget.

WHAT DO WE WANT CHINA TO BE 20 YEARS FROM NOW OR EVEN 50 YEARS FROM NOW?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I would like to associate myself with the remarks of my colleagues on both sides of the aisle, remembering the genocide of the Armenians, but I would like to add this: that there are Armenian children dying today in Armenia. While other nations brutalize Armenia, the White House and State Department cut funds for Armenia. They are not the only White House and State Department to do so, but there is enough of us, instead of making just a resolution, to make a binding resolution for the White House to do something about it.

Also, I should speak to another event I had not planned on speaking to tonight, but I actually resent some of the statements made earlier tonight. My wife and daughters attend Catholic mass at Saint James Parish, and the speaker of this House took the well and shamed those Democrats that would use religion for political gain. I heard this again tonight. I ask the minority leader to ask to put an end to their side of using religion for politics. It does not belong in this Chamber. I have attended events at synagogues, at parishes and churches, but what I would not attend is a fund-raiser at a Buddhist temple.

The real reason I came tonight, Mr. Speaker, was to talk about PNTR for China. I would like to present some thoughts. China is a rogue nation. The issue generates strong-held opinions on both sides and both Republicans and Democrats are split on this particular issue. Even myself, I personally struggled, knowing what a rogue nation that China is, the human rights violations, the national security threats, and what does it mean applying PNTR to China.

Communication is the shortest distance between two points of view, and I know that my mother, my children and many Americans, if they never hear some of the positive points, they are most likely not going to support trade with China.

I would like to present a couple of those ideas. I recently traveled to Vietnam with the gentleman from Kentucky (Mr. ROGERS) and some of my Democrat colleagues. We were there at the request of Pete Peterson, a fellow member that used to reside in this House, is now the ambassador to Vietnam. I was asked to help raise the flag over North Vietnam for the first time in 25 years. It was very difficult; but while we were there, we stopped in Hanoi, and we had a chat with the Communist minister, the head of Vietnam.

I asked a question. I said, Mr. Minister, why will you not engage in trade with Vietnam? And his answer was pretty forthcoming. He said, Congressman, trade to a Communist means that people will start privatizing and having their own things; and if trade is followed through in Vietnam, then we as Communists will no longer have power.

At that moment I said, trade is good.

What do we want China to be 20 years from now or even 50 years from now, Mr. Speaker? I was in China some 20 years ago, and I want to say they have come a long way in 20 years, and it is not the same China as it was before. One sees democracy sprouting up. One sees things like Tianenmen Square and people fighting for democracy. Democracy and freedom are viruses to the Communist Chinese. The more that we can inject that into China, the more that their leaders go along with a better economy.

China is riding a tiger. There are still those that want, by totalitarian rule, to control with national defense and hold people under the state command; but also the dictatorship there today understands that the economy is important to China. Taiwan supports trade in PNTR. Why? Taiwan knows that it will bring China more toward the United States and more toward a democracy instead of more toward Communism. It is in their best interest, and Taiwan supports it.

We just attended a brief, many of us, by Brent Scowcroft. He said there are no downsides to PNTR; that this is about U.S. products going to China. China's products already come to the United States, and there is a trade deficit.

What do we want 20 years from now if we do not trade with China? It will be a negative, and we foster Communism instead of a good economy for both.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues and the representative of a large and vibrant community of Armenian Americans, some of whom lost their loved ones in the genocide, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

I would like to thank my colleagues and cochairs of the Armenian Caucus, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), for their dedication and their hard work on this issue and other issues of human rights.

Today, we pause to remember the tragedy of the Armenian Genocide. More than 1.5 million Armenians were systematically murdered at the hands of the young Turks and more than 500,000 more were deported from their homes. Monday, April 24, will mark the 85th anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that more than 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople, now Istanbul, and killed. This was the beginning of a brutal, organized campaign to eliminate the Armenian presence from the Ottoman Empire that lasted for more than 8 years, but Armenians are strong people, and their dreams of freedom did not die.

More than 70 years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat; yet independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter. There are those who have failed to recognize its very existence; and my colleague, the gentleman from California (Mr. SHERMAN) spoke earlier about efforts at UCLA to buy a chair that would really focus its time and attention to erasing the existence of this horrible occurrence.

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I join him in applauding UCLA and other institutions that have turned down this request to put forward a lie.

As a strong supporter of human rights, I am dismayed that the Turkish government continues to deny the systemic killing of 1.5 million Armenians in their country.

We must not allow the horror of the Armenian genocide to be either diminished or denied, and we must continue to speak out and preserve the memory of the Armenian loss.

We can never let the truth of this tragedy be denied. Nothing we can do or say will bring back those who perished. But we can hold high the memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations. We will not forget. We will continue to bring this to the floor every single year. We will not forget.

ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I would like to thank the leaders of the Armenian Caucus for bringing us together to honor the memory of a tragedy, not just in Armenian history, but a tragedy in world history, a tragedy that holds for us an important historical lesson and one that should be acknowledged.

As discussed, it was 85 years ago that the Ottoman Empire set out on a deliberate campaign to exterminate the Armenian people. Over a period of years, between 1915 and 1923, as they went house to house, village to village, they massacred men, women, and children, a total of 1.5 million, and a half million deported from their homelands to escape their terror.

At the end of these 8 years, the Armenian population in certain areas in Turkey, in Anatolia, in Western Armenia, that population was virtually eliminated.

At the time, as we have heard from our colleagues, Henry Morgantheau, the U.S. ambassador to the Ottoman Empire, depicted the Turkish order for deportations as a death warrant to a whole race.

Our ambassador recognized that this was ethnic cleansing. It is unfortunate that the Turkish government to this day does not recognize that this was ethnic cleansing. Let me just say that willful ignorance of the lessons of history doom people to repeat those same actions again and again.

We have also heard from our colleagues tonight how Adolph Hitler learned that same lesson, as he said, who remembers the Armenian genocide? Well, it is important for us to remember these genocides. It is important that we learn the lesson from this 85-year-old tragedy.

In my home State of California, the State Board of Education has incorporated the story of the Armenian genocide in the social studies curriculum, and this is the right thing to do.

I am a cosponsor of House Resolution 398, which calls upon the President of the United States to provide for appropriate training and materials on the Armenian genocide to all foreign service officers and all State Department officials.

Why is this important? Because we want them to better understand genocide wherever it threatens to erupt. We want them to understand the nature and origins of genocide. We want them to help raise the world's public opinion against genocide, wherever it starts to foment.

By recognizing and learning about the crime against humanity, specifically about the Armenian genocide, we can begin to honor the courage of its victims and commemorate the strides made by its survivors and hope that others will not have to go down the track following the experiences that were suffered by the people of Armenia, only to be followed by the Jewish genocide and other genocides that we have seen, such as the one going on in Southern Sudan today.

So, again, let me commemorate and let me thank the Armenian Caucus for bringing this issue to us on this anniversary of that genocide.

COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Speaker, I join my colleagues today to remember one of the worst atrocities of the twentieth century—the Armenian Genocide. April 24 will be the eighty-fifth anniversary of the beginning of the Armenian Genocide. Since that date falls during the April recess and the House will be out of session, I have chosen to make my remarks today.

From 1915 to 1923, one-and-a-half million Armenians died and countless others suffered as a result of the systematic and deliberate campaign of genocide by the rulers of the Ottoman Turkish Empire. Half a million Armenians who escaped death were deported from their homelands, in modern-day Turkey, to the harsh deserts of the Middle East.

We cannot let succeeding generations forget these horrible atrocities, nor deny that they ever happened. Therefore it is important for the U.S. Government to recognize the Armenian Genocide and do what it can to ensure that the genocide's historical records are preserved, just as the artifacts of the nazi holocaust are preserved. By keeping memories alive through preserving history, we and our children can learn about the chilling consequences of mass hatred, bigotry and intolerance. And hopefully, by teaching and reminding ourselves of past atrocities, humanity will not be doomed to repeat them.

The Armenian-American communities throughout the United States, as well as all people of goodwill, stand firm in our resolve not to let the world forget the Armenian Genocide. In solidarity with the victims of the Jewish Holocaust, the Cambodian massacres, the Tutsi Genocide in Rwanda, and ethnic cleansing in the Balkans, we must continually recognize these crimes against humanity and steadfastly oppose the use of genocide anywhere in the world.

In closing, I hope that every American will stand in solidarity with our Armenian sisters and brothers to commemorate the eighty-fifth anniversary of the Armenian Genocide. Let us honor all victims of torture and genocide by paying tribute to their memory, showing them compassion, and never forgetting the suffering they have endured.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ESHOO) is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I rise this evening with all of my colleagues that have come to the floor, members of the Armenian Caucus here in the House of Representatives, on the occasion of the anniversary of the 1915 Armenian genocide to remember the 1½ million human beings, the women, the children, the men who were killed, and the 500,000 Armenians forcibly deported by the Ottoman Empire during an 8-year reign of brutal repression.

Armenians were deprived of their homes, their humanity, and ultimately their lives. Yet, America, as the greatest democracy and the land of freedom, has not yet made an official statement regarding the Armenian genocide.

Today, there are some in Congress, some in our country that ignore the lessons of the past by refusing to comment on the events surrounding the genocide. They are encouraging new hardships for Armenia by moving to lift sanctions against Azerbaijan caused by their continuing blockade of Armenia.

I am very proud, Mr. Speaker, of my heritage. I am part Armenian and part Assyrian. I believe the only Member of Congress both in the House and the Senate to claim these heritages. I came to this understanding, not just when I arrived in the Congress, as so many of us at the knees of our grandparents and the elders in our family, we were told firsthand the stories of the hardship and the suffering.

That is how I come to this understanding and this knowledge and why I bring this story and this understanding to the floor of the House and, indeed, to the House of Representatives.

I am very proud of this heritage and the contributions which my people have made to this great Nation. They have distinguished themselves in the arts, in law, in academics, in every walk of life in our great Nation, and they keep making important contributions to the life of this Nation.

It is inconceivable to me that this Nation would choose in some quarters to keep its head in the sand by not stating in the strongest terms our recognition of the genocide and our objection to what took place.

Why do I say this? Because I think it is very important to express very publicly, not only acknowledge what happened, but also understand that when we acknowledge that we are then teaching present and future generations of the events of yesteryear. As we move to educate today's generation about these lessons, we also express to them what we have learned.

To deny that a genocide occurred places a black mark on the values that our great Nation stands and fights for. I am proud to be a cosponsor, of course, of responsible legislation that brings the tragedies in Armenia's history out of the shadows and into the light.

House Resolution 155, the U.S. Record on the Armenian Genocide Resolution, directs the President to provide a complete collection of all United States records related to the Armenian genocide to document and affirm the United States record of protest in recognition of this crime against humanity.

House Resolution 398, the U.S. Training on and Commemoration of the Armenian Genocide Resolution would affirm the U.S. record on the genocide and would very importantly educate others about the atrocities committed and the lessons we can learn from this tragedy against the people of Armenia. These are but two important steps we in the Congress can immediately take today.

I urge my colleagues to support these efforts to pass these bills.

In closing, I want to pay tribute to all of my colleagues that come to the floor every year on this. For those of my colleagues that are tuned into C-SPAN, Republicans, Democrats of all backgrounds from different States, communities across our Nation who recognize what took place, and come to the floor in humble tribute to those that gave their lives.

But it is up to us that really are entrusted with the life and the well-being of our Nation. Yes, to acknowledge and to pay tribute and to say how important this is. But as we do, understand that we do it for the enlightenment of our young people and to remind ourselves that wherever anything like this raises its head around the globe that we, as Members of the United States Congress, and as citizens of this great Nation, that we will give voice to that.

So I pay tribute to all of my colleagues. Those people who are resting in peace, perhaps where they are looking from are smiling and saying thank you to Members of the Congress for recognizing this. It is a sad time, but the recognition is well deserved.

PROJECT EXILE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to speak about a piece of legislation passed on the floor of this House yesterday, Project Exile. Project Exile will send $100 million to qualifying States who require a minimum 5-year sentence for criminals who use guns. This will send a clear message to criminals that, if they use a gun, they will go to jail, and they will go to jail for 5 years.

Project Exile will reverse the current situation and put criminals behind the bars of justice rather than law-abiding citizens of America being behind bars on the windows of their own homes.

Today, the average gun felon is locked up for about 18 months then they are free to ravage our neighborhoods and our communities, our children's playgrounds, and our schools. I say, if they are going to do the crime, they need to do the time.

Project Exile finally focuses prosecution on criminals rather than laying the blame on firearms. Laws on guns only affect law-abiding citizens. Criminals, by their very nature, do not obey laws. We need common sense enforcement of existing law.

For decades, the anti-second amendment lobby has attacked gun manufacturers and law-abiding citizens, demanding laws and restrictions that further impede the inalienable rights of Americans to protect themselves, their loved ones, and their property. The anti-second amendment lobby has used a series of lies and half truths to spew a message and strike fear in the hearts of America.

David Kopel recently wrote an excellent piece in the April 17 issue of the National Review. He listed many of the prominent lies of the anti-gun crowd.

I believe it is critical in any debate that we discuss the merits of any issue based on fact, not on myth. Today I want to correct some of the misinformation that is out there so that we can base our decisions on fact alone.

The first myth is that, up to 17 children are killed every day in gun violence. I agree that even one child killed by a gun is one too many. Parents who choose to have guns in their home need to be cautious, conscientious, and aware of the gun, where it is, and absolutely certain that no child has access to it.

However, this statistic that 17 children die of gun violence every day is not exactly a fact. For that to be true, one has to include 18- and 19-year-olds as well as even some young adults. Nearly all of the deaths that are counted in this statistic are members of gangs, those in the act of committing a crime, or, unfortunately, those committing suicide. The actual gun death rate for children under the age of 14 is less than the rate of children who drown in swimming pool accidents.

The second lie is the so-called gun-show loophole. If any individual is engaged in the business of selling firearms, no matter where the sale takes place, whether it be in a store, his home, or a gun show, the seller must file a government registration form on every buyer and clear the sale through the FBI's National Instant Check System.

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To hear the President and Vice President say it, and other anti-second amendment people, one would think that 98 percent of crimes occur with guns that were bought at gun shows. In reality, according to the 1997 National Institute of Justice study, only 2 percent of guns used in crimes were purchased at gun shows.

The third lie is that the average citizen is committing many of these gun crimes out there and that Americans are too ill tempered to be trusted with guns. But as my colleagues might guess, the facts tell a different picture. Seventy-five percent of murderers have adult criminal records. And a large portion of the other 25 percent have arrests and convictions as juveniles that are sealed under the cloak of youth offender protections, or they are actually teenagers when they kill.

Another interesting note is that 90 percent of adult murderers have adult criminal records. Why do we pretend, when we discover that criminals commit crimes, why do we pretend to be shocked? Over 99 percent of the gun owners in America responsibly use the guns that they have for hunting or protection. Why does the liberal anti-second amendment crowd want to continue placing burden upon burden on the 99 percent of gun owners who are law-abiding citizens?

With the passage of Project Exile: The Safe Streets and Neighborhoods Act, we are trying to protect law-abiding citizens from these hardened gun-shooting criminals, criminals who have no respect for life nor for any other individual. Americans for too long have been held hostage by the thugs and drug dealers, the robbers and the gang members, and the lawless and the outlaw. We must reclaim our streets and reclaim our communities and reclaim our American heritage. We need to move forward with other important legislation like this.

WORKER COMPENSATION FOR NATIONAL LABORATORY EMPLOYEES

The SPEAKER pro tempore (Mr. FOSSELLA). Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to talk about the issue of worker compensation. Today, the administration, Secretary Richardson, President Clinton, and Vice President GORE announced a worker compensation program for workers at the national laboratories all across this country.

This has been a very sad chapter in the history of the United States. Workers have worked at these nuclear establishments and plants for many years, and they have been injured as a result, many of them have been injured, the Department now acknowledges, as a result of occupational exposures. The Department has decided to turn over a new leaf, and I applaud their position on that; and I rise today to put a piece of legislation in the hopper to deal with this situation.

In New Mexico, about 3 weeks ago, I attended a hearing in my district where workers came forward. They talked about how patriotic they were; they talked about how they were serving their country for many, many years and, as a result of their work, they believed they came down with cancers, with beryllium disease, with asbestosis, with a variety of other illnesses. They were very heart-wrenching stories.

Today, I introduce a piece of legislation that will be comprehensive legislation. It will deal with all of these injuries that occurred and that were talked about at Los Alamos. It is comprehensive in the sense that it will cover beryllium, it will cover radiation, it will cover asbestos, and it will cover chemicals that these workers were exposed to.

The legislation provides that the workers will be able to come forward, very similar to the Workmen's Compensation program that is in place for the Federal Government. They will be able to demonstrate their exposure and what the illness was.

My legislation will also provide that during the 180-day period, while their claim is pending, that they will be able to get health care for free at the nearest Veterans Hospital.

And the burden is on the Government, because many of these individuals came forward and talked about how they had worked their whole life, and they knew there were exposures; but then, at the end of their period of time, they asked for their records and there were no records. Their records were lost. So under those circumstances, we clearly have to put the burden on the Government.

So I would urge my colleagues today, while my bill is specifically directed to New Mexico, I know there are many other colleagues around the country that have this same situation in their district. There are Democrats and Republicans. All areas of the United States are represented. So I think this is a great issue for us to join together in a bipartisan way and craft a solution to this problem at the national level.

The reason I think it is so important is that these workers were true patriots. They were people that loved their country and cared about their country and worked for it at a very crucial time for us, so we need now to do something for them.

COMMEMORATION OF THE LIFE OF HERMAN B. WELLS

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Indiana (Mr. PEASE) is recognized for 5 minutes.

Mr. PEASE. Madam Speaker, I rise today to commemorate the life of Herman B. Wells, the 12th president of Indiana University, and the only person to serve that institution on three different occasions as its chief executive officer.

In 1937, he was appointed acting president. From 1938 to 1962, he was president; in 1968 he was interim president; and from 1968 to 2000 he served as chancellor. He died in Bloomington on March 18 and was buried the next week in Jamestown, Indiana, his ancestral home.

Part of Monroe County, where Indiana University is located, and all of Boone County, where Chancellor Wells was laid to rest, are in my district, the seventh, of Indiana. As the representative of that district in Congress, it is my privilege, indeed my honor, to mark with pride the life and contributions of this amazing son of Indiana. As one whose personal life was also touched by this wonderful man, I am humbled by the realization that it was in part his influence on my life that made it possible for me to be here in the well of the House to share these thoughts.

Though he would undoubtedly object to the personal characterization, observing the work of so many others, Herman B. Wells transformed Indiana University from a modest Midwestern State institution of 11,000 students to a world-class institution of research, service, and teaching with more than 30,000 students in Bloomington, the main campus, and more than 80,000 students on eight campuses across the State. His insistence on academic excellence from faculty and from students, and his willingness to actively support the excellence he encouraged, resulted in the development of one of the world's finest schools of music, the attraction of eminent scholars, including Nobel laureates, the development of one of the finest collections of rare books in the world, and much more. He was a fierce defender of academic freedom, as witnessed among other things by his steadfast support of the Kinsey Institute, at its time one of the most controversial research centers in the Nation.

He has served on more national and international cultural, educational, and development commissions and agencies and been honored by more national governments, nongovernmental organizations, and international entities than I can list in the time allotted me today. Suffice it to say that he was a man of incredible vision, equally incredible talent, and a commitment to humanity that transcended race, gender, religion, and national borders.

Yet he never lost the personal touch, grounded in his intense interest in each human being he met as simply a person and, thereby, imbued with an innate dignity that warranted treatment with respect. And that is, in the final analysis, what made this man a giant in American education and culture.

Chancellor Wells once listed what he calls his ''Maxims for a Young College President, or How to Succeed Without Really Trying.'' His autobiography, ''Being Lucky,'' derived its title from the list, where he said, ''My first maxim is, be lucky.''

Perhaps he was, though I suspect that he made more of his luck than just happened to come his way. I know this, though, that those of us who attended his Indiana University, and especially those of us who, like me, came to know him personally, were most assuredly lucky; and our lives have been enriched in ways we could never before have imagined as a consequence of our contact with him.

From the nationally and internationally recognized faculty in whose classes I studied, to the fraternity system based on the finest traditions of ethical behavior that he fostered and from which I benefited, to an enduring idealism and assuredness in the future that imbued the IU campus, even in the midst of the difficulties of the late 1960s and early 1970s, my life has been shaped in many ways by my experiences at Indiana University. And everyone who experienced Indiana University was touched by Herman Wells.

Chancellor Wells often said that it is not what you do that counts; it is what you help others to do that makes progress. I know no finer example of this maxim than the chancellor himself. Indiana has lost one of its greatest sons. I have lost a mentor and friend. And yet our grief at this inestimable lost is assuaged by the realization that the university he helped build endures as one of the world's great institutions, stamped with his principles and personality. And for those of us who knew him personally, there is the memory of the sparkle in the eye, the engagement of the intellect, and the smile in the heart that was and remains Herman B. Wells.

With apologies to the lyrics of our alma mater for this temporary emendation, ''He's the pride of Indiana.'' We loved him, we will miss him, we are better because of him.

COMMEMORATING THE LIFE OF LANCE CORPORAL SETH G. JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Madam Speaker, I rise today with profound sadness to honor the short, yet exceptional life of Lance Corporal Seth G. Jones, who perished last Saturday, along with 18 fellow Marines, in an aircraft crash near Marana, Arizona.

Madam Speaker, Lance Corporal Jones was only 18 years of age. A native of Bend, Oregon, and a graduate of Mountain View High School, he joined the Marine Corps in February of 1999. After graduating from the Marine Corps Recruit Depot in San Diego, California, Seth fulfilled his long-held dream of serving in the infantry. At the time of his death, he served as an assaultman assigned to the 3rd Battalion, 5th Marines, stationed at Camp Pendleton, California.

Remembered by friends and family alike as a motivated young American with a steadfast sense of patriotism and duty, Lance Corporal Jones was, quite simply, what parents want their children to grow up to be. His high school ROTC instructor remembered him as ''more than enthusiastic, energetic and intense. Seth was turbocharged.'' Seth's hockey coach recalled meeting him after he completed basic training and saying, ''In that short time he had gone from a teenager to an adult. He had grown up.''

Madam Speaker, nothing is more tragic than a life so full of promise cut short before its time. And there is no worse grief than that suffered by parents who must bury their child, because it is not the way life's journey is supposed to go.

Lance Corporal Jones answered his country's call and he knew the meaning of the word duty. While he did not die in a hail of gunfire, Seth gave his life for his country nonetheless. Training for the day when he might be called upon to defend his native land, he gladly shouldered a responsibility few of us can fully appreciate. In an age when most kids are worried about what they are going to wear on Saturday night, Seth was jumping out of helicopters and practicing hostage rescue.

Madam Speaker, surrounded by the luxury of our system of government that is afforded us, we often forget that there are still people among us whose job it is to carry rifles into battle, who shoot at our enemies and are in turn shot at, so that we may continue to live as a free people. There are men like Lance Corporal Jones who are familiar with the chill of a night spent in a foxhole and the exhaustion of a forced march who protect those of us who are not.

John Stuart Mill once wrote, ''A man who has nothing he cares about more deeply than his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself.'' Lance Corporal Jones, and the Marines who lost their lives, were the very guardians of our liberty, Madam Speaker, the men whose exertions keep us free. To his family, to his country, and to his Corps, Lance Corporal Jones, like his fellow fallen Marines, was as the Marine Corps motto reads: Always faithful.

While the cause of this tragic accident is still unknown, this morning I met with Lieutenant General Fred McCorkle, deputy chief of staff for the Marine Corps Aviation, to underscore the need for a full investigation to be undertaken to ensure that the equipment used by our men and women in uniform does not subject them to unnecessary risks.

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In this time of grief, my deepest sympathy goes out to the family of Lance Corporal Jones as it does to the entire Marine Corps family.

COMMEMORATING ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

Mr. RADANOVICH. Madam Speaker, I am thankful for the opportunity to speak on this most important occasion.

I am proud to be here this evening to honor my Armenian friends—particularly on the eve of the 85th anniversary of the Armenian Genocide. I want to associate my comments with an article that I recently read in the Jerusalem Post, which said . . . "The 1915 wholesale massacre of Armenians by the Ottoman Turks remains a core experience of the Armenian nation . . . While there is virtually zero tolerance for Holocaust denial, there is tacit acceptance of the denial of the Armenian genocide in part because 'the Turks have managed to structure this debate so that people question whether this really happened . . .' " Well we know that the death of 1.5 million Armenians by execution or starvation really happened, and we know that we must not tolerate this denial.

In fact we have an obligation to educate and familiarize Americans with the U.S. record on the Armenian Genocide. As Members of Congress, we must ensure that the legacy of the genocide is remembered so that this human tragedy will not be repeated. Toward that end I have sponsored H. Res. 398, the "United States Training on and Commemoration of the Armenian Genocide Resolution."

This bipartisan resolution calls upon the President to provide for appropriate training and materials to all Foreign Service officers, officials of the Department of State, and any other Executive Branch employee involved in responding to issues related to human rights, ethnic cleansing, and genocide. As we have seen in recent years, genocide and ethnic cleansing continues to plague nations around the world, and as a great nation, we must always be attentive and willing to stand against such atrocities.

My resolution also calls upon the President in the President's annual message commemorating the Armenian Genocide to characterize the systematic and deliberate annihilation of the 1.5 million Armenians as genocide, and to recall the proud history of the United States intervention in opposition to the Armenian Genocide.

I hope my colleagues will join me in supporting this important legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Madam Speaker, I stand before my colleagues today, as I have in times past, to recognize and pay tribute to those who perished during the Armenian Genocide that began almost nine decades ago.

Turkey's continued refusal to acknowledge the atrocities committed against the Armenian people of the Ottoman Empire during the first World War has long been of great concern to me as an educator, a United States representative, and simply as a member of the global community.

Each year many colleagues take this special opportunity to recognize the fact that more than a million and a half Armenians were killed. In addition, much of the Armenian population was forcibly deported. This day coming up, April 24, is an opportunity to remind all Americans to join with the Armenians at home and in the United States in commemoration and memory of those who lost their lives because of the tragic events that took place from 1915 to 1918 and again from 1920 to 1923.

As an educator, it is important to emphasize the role education should play nationally, as well as globally, in ensuring that we do not continue to see racial intolerance or religious persecution which has in so many cases led to so-called ethnic cleansing by murderous and perverted butchers. What an outrage for humans to treat other humans such human killers of small children.

Genocide is not just a chapter in the history of humankind that has been sealed and closed forever. It continues to be a progressively alarming problem today, as our world grows smaller and our population doubles every few years.

Events during the last two decades, Cambodia, Rwanda, Kosovo attest to this fact. We must, therefore, strive to teach our children tolerance. Our future generations must not forget those darker moments of history in the 21st century. The million and a half Armenians, the 6 million Jews murdered by Adolph Hitler's orders, the 2 million Cambodians murdered by Pol Pot's orders.

As long as Turkey continues to deny that millions of Armenians were killed simply because of their ethnic identification, we will continue to stand here and take this important opportunity to ensure that the memory of the Armenian Genocide is not forgotten.

Madam Speaker, educators around the country should use April 24, a day that a group of Armenian religious, political, and intellectual leaders were arrested in Constantinople and brutally murdered by Turkish killers. It is essential to cultivate awareness in our children of the past tragedies that have occurred.

If we do not see the future dangers that will exist, if we refuse to acknowledge, understand and vigorously oppose racial and religious intolerance, wherever it arises, it would be shame on us and it shall not be.

HIGH COSTS OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Madam Speaker, I rise once again to address the high costs of prescription drugs in this country, and the recently released Republican plan that will do absolutely nothing to help the people of this country, especially our senior citizens, who are struggling with these high prescription drug prices.

The Republicans have finally released that the seniors in their districts and across this country are struggling with these high prescription drug prices. So they came up with a plan, a phony plan, one that does not guarantee our seniors affordable prescription drugs. It does provide a plan to protect the profits of the prescription drug manufacturers in this country. They say that the seniors will be able to buy private prescription drug plans. Do these private plans mean that seniors will be able to afford their medicines?

Madam Speaker, there is nothing in their plan that does that. The GAO proposal creates a brand new bureaucracy, a very inefficient counterproductive system for providing and subsidizing a drug benefit. We know that we need to provide a drug benefit for our senior citizens, particularly those on Medicare.

A recently released White House report shows that 43 percent of rural residents on Medicare have no prescription drug coverage. Those without coverage pay nearly twice as much out of pocket as anyone else. The report is just another justification that seniors need a good prescription drug benefit under Medicare. They need access to lower-priced prescription drugs, like all the rest of the world has. Americans without a prescription drug benefit spend more for their medicine than anyone else in the world.

The prescription drug manufacturers are now running ads under the guise of Citizens for Better Medicare. This is a front group for the manufacturers. This ad claims that if you allow a reasonably-priced prescription drug to be sold in this country at relatively the same price that it sold in other countries that you threaten the research and development, the fact is, in countries where they sell these products for half as much as they do in America, they are increasing their research and development faster than they are in the United States. This just simply does not make any sense.

They say that to allow Americans to purchase prescription drugs at reasonable prices and at fair prices, like all the rest of the world has, that it would create a situation where our health care system would be in danger and that we would end up with a bad system. There is nothing to that.

This is just an attempt to frighten the senior citizens to think that they may not have access at all to good medication. The fact is what the fright should be, what the fright is, the manufacturers are fearful that they will lose their exorbitant profits that they squeeze from the pockets of our senior citizens in this country every day.

Their new ad claims that their intention is to import Canada's government controls.

The truth is, Canada is now utilizing the purchasing power of the U.S. government. One way the Canadian government keeps brand name drug companies from price gauging is to see at what price drug companies sell their products in other countries.

In Canada, the price cannot exceed the median price charged in other developing countries. Starting this year, the U.S. price Canada will use in the international comparisons is the U.S. Federal supply schedule price. We now have Canadians benefitting from the purchasing power of the United States Government. But Americans cannot benefit from that. This is an outrage that Canadians can benefit from U.S. Government discount that we refuse to give our own Medicare recipients.

I have introduced legislation that would give U.S. seniors access to lower prescription drug prices that seniors in all other countries enjoy, the International Prescription Drug Parity Act. The senior citizens in the district that I am fortunate to represent and in every district know that they are simply being robbed.

Senior citizens across this country expect every Member of Congress to address this situation. Addressing the issues of cost and affordability for prescription drugs as well as finding a reasonable approach to offering drug coverage to Medicare recipients is absolutely essential.

TRAGIC LOSS OF U.S. MARINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, this past Saturday evening, we suffered a tragic loss in America when a Marine Corps V–22 Osprey crashed in a test mode and killed all 19 Marines on board the aircraft, a tragic loss of life.

All America has joined with the Commandant of the Marine Corps, General Jones; the leaders in the Pentagon; and the President in mourning the loss of these brave Americans.

This tragic incident is now under full investigation. Today I arranged for a full briefing for our colleagues where the Marine Corps presented a full up-to-date assessment as to what has taken place, what facts we know about the incident, and what initial thoughts are occurring in terms of what caused the accident.

It is obviously too early to tell, but we expect that within a few weeks we will know the basis upon which a decision can be made about the cause of this terribly tragic accident.

But, Madam Speaker, before we even removed all of the remains of these brave Marines, we have political opportunists around the country taking shots at the program and making wild and outlandish statements.

One such person, Madam Speaker, is a former Reagan Republican officeholder who served as Assistant Secretary of Defense by the name of Lawrence Korb. Mr. Korb wrote an op-ed in The New York Times on April 11 that is filled with misinformation factually incorrect, is a disservice to the Marine Corps, and to all brave Americans who wear the colors of this Nation.

He is the defense equivalent of an ambulance chaser. Before the investigation has even begun, he is trashing what General Jones calls the number-one priority of the Marine Corps, a capability to replace an aircraft, the CH–46 helicopter, that is 50 years old, was built for the Vietnam War, and which is suffering severe problems because of its age and because of its extended use well beyond the original life expectancy of the program.

In his article, Mr. Korb makes some gross statements that really are a disservice to the Corps and to all brave Marines serving this country. He says that this program was objected to by all senior officials from the Reagan, Bush, and Clinton administrations. That is absolutely incorrect. In fact, it was former Navy Secretary John Dalton would led the fight to keep the V–22 Osprey program alive for the Marine Corps and eventually all of our services.

He says in an article that these aircraft cost $80 million each. When, if he would have checked his facts, he would have found that the cost is closer to $40 million per copy and would be lower if we were buying an adequate buy of these aircraft as opposed to having them stretched out at a very low-rate buy. He assesses that Congress only supported the saving of this program because of the jobs that would be retained in America.

Well, I would say to Mr. Korb, either get his facts straight or keep his mouth shut. In fact, it was General Al Gray, the Commandant of the Marine Corps, who testified before Congress that he would never subject his warriors to what the opponents of the V–22 called a dual-sling option.

They said we will bolt two helicopters together and we will ask Marines to fly in those two helicopters to achieve the medium range over the rising capability that the V–22 offers.

Madam Speaker, the kind of rhetoric coming from people like Lawrence Korb is really a disgrace to the American service person and Mr. Korb ought to be ashamed of himself.

What we now need is, first of all, to mourn these families of these brave Marines. We need to let them know that we are going to do everything possible to take care of them and their loved ones and we are going to get to the bottom of what caused this incident. We will overturn every stone and we will use every bit of capability that we have to find out the cause of this terribly tragic accident. And we will relay this information to the families first, to Members of Congress, and then to the American public.

And then once we have all that have data, we will make a decision, we will make a decision based upon information and facts, not rhetoric to allow some columnist to score political points in the New York Times.

Madam Speaker, for the RECORD, I insert the following news release of the Marine Corps dated April 9; the statement of General Fred McCorkle, Deputy Chief of Staff for Aviation for the Marine Corps, dated April 11; and an updated information packet on the mishap, dated April 11 so that the American people can see the real facts of what occurred here as opposed to listening to incompetent people like Lawrence Korb.

[News Release, U.S. Marine Corps, April 9, 2000]

MV–22 MISHAP INVESTIGATION

HEADQUARTERS MARINE CORPS, WASHINGTON, DC.—The Marine Corps is sending an aircraft mishap investigation team, headed by Colonel Dennis Bartels of Headquarters, Marine Corps, to Marana, AZ to determine the cause of Saturday night's crash of an MV–22 Osprey that took the lives of all 19 Marines aboard.

''The entire Marine Corps family grieves for the Marines we've lost in this tragedy and our thoughts and prayers go out to their families,'' said Gen. James Jones, Commandant of the Marine Corps. ''We have sent an expert team to Arizona to quickly investigate the circumstances surrounding this mishap.''

Secretary of the Navy Richard Danzig today released the following statement, ''Evaluating new equipment and training for war, like war itself, puts life at risk. In peace and war, Marines accept that risk—it is a bond between us. In that spirit, we grieve today for our nineteen lost Marines and embrace their families.''

The MV–22 was conducting a training mission in support of Operational Evaluation (OPEVAL) when it went down near Marana, AZ. During the mission, the crew and Marines conducted Non-combatant Evacuation Operations (NEO) exercises as part of the Weapons and Tactics Instructor course, with Marines embarking and disembarking the aircraft. The mission was conducted at night utilizing night vision goggles (NVGs) and forward-looking infrared radar (FLIR) to enhance night operational capability.

Operational Evaluation is a test phase to determine the operational suitability of the aircraft for the Marine Corps. It began in October 1999 and is scheduled to conclude in June 2000.

To date, the four Ospreys involved in Operational Evaluation have completed more than 800 flight hours. During March, the OPEVAL aircraft flew nearly 140 flight hours, an average of 35 hours per aircraft.

The mishap aircraft was part of the Multi-service Operational Test Team, based at Patuxent River, MD, but was temporarily attached to Marine Aviation Weapons and Tactics Squadron–1 at Marine Corps Air Station Yuma, AZ.

The names of the deceased are being withheld pending notification of next of kin.

[News Release, U.S. Marine Corps, April 9, 2000]

NAMES OF ACCIDENT VICTIMS RELEASED

HEADQUARTERS MARINE CORPS, WASHINGTON, DC.—Marine Corps officials are expressing condolences to the families of 19 Marines killed approximately 8 p.m. last night when an MV–22 Osprey crashed near Marana, Ariz.

Killed in the accident were:

Sgt. Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas.

Maj. John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron-1, of California, Md.

PFC Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Okla.

PFC Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Antonio, Texas.

Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Sacramento, Calif.

Lance Corporal Jesus Gonzales Sanchez, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, Calif.

Maj. Brooks S. Gruber, 34, a pilot assigned to Marine Helicopter Squadron-1, of Jacksonville, NC.

Lance Corporal Seth G. Jones, 18, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Ore.

2nd Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

Cpl. Kelly S. Keith, 22, aircraft crew chief assigned to Marine Helicopter Squadron-1, of Florence, SC.

Cpl. Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Communications Squadron 38, Marine Air Control Group 38, of Coconino, Ariz.

Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

Corporal Adam C. Neely, 22, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Winthrop, Wash.

Staff Sgt. William B. Nelson, 30, a satellite communications specialist with Marine Air Control Group-38, of Richmond, Va.

PFC Kenneth O. Paddio, 23, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Houston, Texas.

PFC George P. Santos, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Long Beach, Calif.

PFC Keoki P. Santos, 24, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Grand Ronde, Ore.

Corporal Can Soler, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Palm City, Fla.

Pvt. Adam L. Tatro, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Brownwood, Texas.

''The entire Marine Corps family grieves for the Marines we've lost in this tragedy and our thoughts and prayers go out to their families,'' said Gen. James Jones, Commandant of the Marine Corps. ''We have sent an expert team to Arizona to quickly investigate the circumstances surrounding this mishap.''

Secretary of the Navy Richard Danzig today released the following statement, ''Evaluating new equipment and training for war, like war itself, puts life at risk. In peace and war, Marines accept that risk—it is a bond between us. In that spirit, we grieve today for our nineteen lost Marines and embrace their families.''

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PREPARED STATEMENT ON MV–22 MISHAP BY LTGEN FRED MCCORKLE, HEADQUARTERS MARINE CORPS (APRIL 11, 2000)

First and foremost, I would like to say that our thoughts and prayers are with the families of our Marines who were tragically taken from us Saturday night. Obviously, there are no words that can express our sadness and sense of loss in this situation. Our Marine Corps is a tight-knit family, and each of us feels the loss of these Marines. We are with the families now and we will continue to assist them in the difficult days ahead. Our number one concern at this time is their well-being.

While the mishap is currently under investigation, there are some things I would like to relay to you and then I will answer whatever questions I can.

The Commandant has sent Col Dennis Bartels from our staff to lead the expert investigation team. I spoke with Col Bartels last night and he has assured me that the investigation is well underway. There is, however, no determination at this time as to the cause of the mishap. Let me emphatically state that we are committed to finding the truth. One thing I want to clarify from my comments yesterday, the incident was observed on an F/A–18 FLIR but it was not videotaped.

The aircraft was the second in a flight of two aircraft conducting a simulated evacuation operation. It was one of four MV–22s participating in this exercise to support Operational Evaluations (OpEval). OpEval is a DOD requirement specifically designed to validate an aircraft's operational capability to support USMC missions. It requires flights in operational configurations to include flights with embarked troops.

Our most precious asset is our Marines and their welfare is the primary concern of all Marines in leadership positions. Numerous senior service members and members of Congress have flown in the aircraft. I have flown the aircraft and believe it to be safe. It is important to stress that the MV–22 is not an experimental test aircraft. The MV–22 is a proven technology. The Osprey has already completed extensive flight testing that included:

Almost 1200 flight hours of Full Scale Development (1–6), and

1600 flight hours of Engineering/Manufacturing Development (7–10).

The mishap aircraft was one of five production aircraft delivered to the Marine Corps for operational use. The four aircraft participating in OpEval, all delivered in the past 11 months, have accumulated over 840 flight hours conducting operational flights in support of OpEval. This particular aircraft was delivered to the Marine Corps in January of this year and had been flown over 135 hours to date. The total amount of flight time accumulated by MV–22s to date is over 3600 hours.

The two pilots flying the aircraft were very experienced, veteran pilots from Marine Helicopter Squadron One. One had nearly 3800 hours and the other had over 2100 hours. Both pilots were approaching 100 hours of flight time in the MV–22 and had over 100 MV–22 simulator hours. Additionally, the aircraft was crewed by two of our very finest enlisted Marines.

The aircraft is equipped with a Crash Survivable Memory Unit (CSMU) that records 227 separate aircraft parameters that should provide invaluable insight into the cause of this mishap. These parameters include aircraft performance data (airspeed, altitude, heading, etc), engine performance data and information on any potential system malfunctions indicated. Efforts to retrieve this component from the aircraft are ongoing.

We are distributing a photo of the Marana Northwest Regional Airport that depicts the intended point of landing for the flight of the two aircraft involved. This package also contains a data sheet and information relating to the exercise being conducted.

Throughout this tragic and challenging time, we have been supported by a number of local law enforcement agencies, fire departments and National Guard and reserve units in Arizona. The American Red Cross continues to provide support on the scene. We truly appreciate their superb support in these efforts to take care of our Marines.

Our work as Marines comes with some danger and risks, but we strive to do everything we can to minimize those risks. As Secretary Danzig so aptly stated Sunday, ''Evaluating new equipment and training for war, like war itself, puts life at risk. In peace and war, Marines accept that risk—it is a bond between us. In that spirit we grieve today for our lost Marines.''

Finally, I would like to conclude by again saying that our thoughts and prayers are with the families of our fallen Marines. We are taking care of the families now and will continue to assist them in every way possible in the difficult days ahead. I will now answer what questions I can at this point.

MV–22 MISHAP INFORMATION

The MV–22 mishap occurred approximately 8 p.m. Saturday night 8 April when a MV–22 Osprey crashed near Tucson, Arizona. The MV–22 was conducting a training mission in support of Operational Evaluation (OPEVAL). Aircraft was second aircraft in two ship flight inbound Marana Northwest Regional Airport (encl 1) about 15 miles NW of Tucson, Arizona. The landing site was a hard surface concrete pad area, free of obstacles and parallel to a 6,900′ runway. Safety personnel had conducted a safety site survey and a daytime landing there to ensure suitability.

This mishap aircraft was part of the Multi-service Operational Test Team (MOTT), based at Patuxent River, Md., but was temporarily attached to Marine Aviation Weapons and Tactics Squadron-1 (MAWTS–1) at Marine Corps Air station Yuma, Ariz. OPEVAL commenced in November 1999 with planned completion data of June 2000. OPEVAL is being conducted by the MOTT under the auspices of Commanding Officer, HMX–1, the Marine Corps' aviation OPEVAL agency. In this capacity, CO, HMX–1 reports to Commander Operational Test and Evaluation Force. OPEVAL determines aircraft effectiveness and suitability and must be conducted to the maximum extent possible under the most realistic conditions (DOD 5000.2).

During the mission, the crew and Marines conducted Non-combatant Evacuation Operations (NEO) exercises as part of the Weapons and Tactics Instructor (WTI) Course, with Marines embarking and disembarking the aircraft. The mission profile called for the utilization of the latest version of Night Vision Goggles, (ANVIS–9) and Forward-Looking Infrared Radar to enhance night operational capability. Flight was undertaken in good weather conditions with 17 percent illumination. The flight also served as a training vehicle for the MAWTS current WTI course designated as Assault Support Mission 3 (encl 2). Non-aircrew personnel aboard were part of the Evacuation Control Center for the simulated NEO.

The mishap aircraft was not an experimental aircraft. The aircraft was the fourth of five production aircraft delivered to the Marine Corps. Formal developmental testing of the MV–22 was conducted on the Full Scale Development aircraft (aircraft 1–6) flying 1184 flt hrs and the Engineering and Manufacturing Development aircraft (aircraft 7–10) flying 1600 flt hrs. The mishap aircraft was a Low Rate Initial Production aircraft (aircraft 11–15). The LRIP aircraft have flown a total of 840 flt hrs conducting operational/mission training and evaluation. The MV–22 fleet have flown a total of 3624 flt hrs. The mishap aircraft had flown 135.5 flight hrs since it was delivered to the Marine Corps on 17 Jan 00.

The two previous MV–22 testing mishaps demonstrated the risks inherent in any flight test development program, but the mishap causes were not unique to ''tiltrotor technology.'' The last mishap was in July 1992. The identified design deficiencies were corrected and incorporated in all production aircraft. The MV–22 fleet has flown over 2400 hours (2/3 of all hours) since the last mishap in 1992.

A complete Aviation Mishap Board (AMB) has been convened in Tucson under in accordance with OPNAVINST 3750 under the direction of Col Dennis Bartels from Dept of Avn, HQMC. Team is being supported by joint agencies and the entire Naval Aviation establishment.

Although MV–22s have not been grounded by Commander Naval Air Systems Command, operations have been suspended in order to evaluate the current situation and determine the most appropriate course of action and safe flight operations.

REMAINS—8 REMAINS HAD BEEN RECOVERED BY 1500, 11 APRIL 2000

—The recovery of remains will be done as quickly as possible given the circumstances and requirements to properly identify the Marines and preserve evidence at the crash site.

—15 Aviation Mishap Board personnel on scene.

—15 Naval Aviation Center Personnel on scene.

—Human Resources Personnel from Davis-Monthan.

—Counselors on site to assist.

—HMX–1 Flight Surgeon on site.

—Marine Reserve Unit providing security (6th Eng Spt BN Det A Bulk Fuel).

—Locals have constructed a memorial with flowers.

—There are two Armed Forces Medical Examiners on site.

—10 Trained mortuary affairs personnel from the U.S. Air Force and Armed Forces Institute of Pathology arrived from Washington, DC, Monday.

—Recovery efforts began 0800 this morning.

—Once remains have been properly removed, they will be transferred to Davis-Monthan Air Force Base for shipment to Dover Air Force Base, Delaware.

—Dover serves as the Port Mortuary for all Services.

—At Dover, the remains will be met by Marines from the Marine Barracks Washington, DC.

—After the remains have been identified, they will be assigned an escort (either someone from the Marines' unit or someone designated by the family).

—Memorial services will be held at NAS Patuxent River, MD next week and Camp Pendleton on Monday 17th. Exact times and dates are being coordinated.

—MCAS New River has tentatively scheduled a memorial for the four aircrew at 1400 this Friday.

—If DNA analysis is required, a sample will be taken from the remains at Dover and testing will be done at Rockville, Maryland Institute of Pathology.

—All Marines on board are entitled to be buried at Arlington National Cemetery if the family so desires.

MAWTS–1—ASSAULT SUPPORT TACTICS THREE

Assault Support Tactics Three (AST III) is a long range (180 NM radius) multiple site Noncombatant Evacuation Operation (NEO) conducted at night (on NVGs) in the Phoenix and Tucson Arizona areas. A ''real world'' scenario forms the two day evolution which is the culmination of the AST Common flight phase of the Weapons and Tactics Instructors (WTI Course) taught at Marine Aviation Weapons and Tactics Squadron One. Additionally, the NEO completes the WTI course's Military Operations in an Urban Terrain (MOUT) package introduced earlier during the Common academics phase.

This particular WTI mission requires a sizeable airborne package consisting of mostly helicopters. Specific numbers for WTI 2–00 are; (7) CH–46Es, (5) CH–53Es, (2) CH–53Ds, (5) AH–1Ws, 1 UH–1N, (3) FA–18Ds, (4) MV–22s, (3) KC–130s for a total of 30 aircraft supporting the NEO. Besides the aircraft required to support the mission a Forward Operating Base (FOB) is established at Gila Bend Air Force Auxiliary Airfield. The FOB is guarded by Stinger Teams, facilitates a Marine Air Traffic Control Mobile Team (MMT), a MWCS Communications Detachment using high power HF, VHF SINGARS, and SATCOM. A Forward Arming and Refueling Point (FARP) is also established at the FOB employing KC–130's Rapid Ground Refueling (RGR) systems. The Tactical Bulk Fuel Dispensing System (TBFDS) is also employed on a CH–53E at a separate austere site to refuel the AH–1Ws and UH–1N.

During the execution, three separate task forces pull evacuees from three different sites located in Phoenix and Tucson. The American citizens once evacuated and repositioned at the FOB where a complete Evacuation Control Center (ECC) completes the processing. Once processing is complete, the KC–130s lift the evacuees back to Yuma, AZ. MAWTS–1 staff members make up the Forward Command Element (FCE). An infantry company that supports WTI make up the security elements and man the ECC at the FOB's consolidation site. Additional Marines dressed in civilian attire make up the non-combatants—totaling up to eighty evacuees. As the mission progresses, all information is relayed through the established command and control system including a Direct Air Support Center (DASC) and DASC(A), an Assault Support Coordinator Airborne (ASC(A)) assists in control of the mission while 'real time' information is fed back to the Tactical Air Command Center (TACC). Situational awareness is maintained in the TAC—nearly two hundred miles from the further site!

The NEO training received at MAWTS–1, during the WTI course, is critical since no where else in the FMF are NEOs practiced to such an extent and magnitude—except during a real contingency.

CMC MISHAP UPDATE FOR 11 APR 2000

AVIATION

—Recovery of remains started 0800 this morning

—Ten bodies recovered as of 1500 11 April

—Should get at least 4 more today

—Crew chief identified by equipment and uniform

—Expect to be complete by 12 April

—Remains to be flown from Davis-Monthan AFB to Dover

—Autopsies and DNA sampling to commence upon return to East Coast

—All Aircraft Mishap Board members and augmentees on site at Marana, AZ

—Armed Forces Institute of Pathology—12 personnel

2 Medical Examiners

10 Mortuary Affairs personnel

—JAG Manual investigators (LtCol Morgan and LtCol (Sel) Radich) from Quantico on scene 11 April

—MOTT (85 Pax) to be transported by C–9 from MCAS Yuma to Pax River Wednesday; C–130 to return team from memorial service at New River to Yuman on Saturday, Pending aircraft status, original test plan called for OPEVAL to resume at China Lake on Sunday

—Aircraft presently cleared for ground turns and taxiing as of 11 April

LEGISLATIVE AFFAIRS

—Briefing requested by Rep. Curt Weldon (R, PA 7th Dist.) and others by LtGen. McCorkle set for 1000, 12 April

—Offer made by OLA to Senate side for similar briefing in PM on 12 April if desired

PUBLIC AFFAIRS

—Have received over 1000 media inquiries since the mishap

—LtGen. McCorkle's preliminary press conference 1630 on 10 April

—LtGen. McCorkle gave statement and answered reporters questions at DOD nationally televised press conference at 1330 on 11 April

—Daily briefings at 1430 at the crash site with Maj. Dave Anderson

—Once barriers erected at crash site, most press departed

V–22 ''OSPREY'' KEY FACTS

The V–22 OSPREY is a joint service, multi-mission, vertical/short take-off and landing tiltrotor aircraft. It performs a wide range of VTOL missions as effective as a conventional helicopter while achieving the long-range cruise efficiencies of a twin turboprop aircraft. The MV–22 will be the Marine Corps' medium lift aircraft, replacing the aging fleet of CH–46 and CH–53D helicopters. The Air Force variant, the CV–22, will replace the MH–53J and MH–60G and augment the MC–130 fleet in the USSOCOM Special Operations mission. The V–22, which is jointly produced by Bell Helicopter Textron and the Boeing Company, is the world's first production tiltrotor aircraft.

FEATURES AND BENEFITS

- Incorporates mature, but advanced technologies in composite materials, survivability, airfoil design, fly-by-wire controls, digital cockpit and manufacturing.
- Has two 38-foot diameter ''prop-rotors.'' Engine/transmission nacelles mounted on the end of each wing rotate through 95 degrees. Combines vertical takeoff and landing of a helicopter with the long range, high speed and efficiency of a turboprop airplane.
- This unique aircraft transitions from the helicopter flying mode to a fixed wing flying mode in less than 20 seconds.

- Speed, range, and payload expand capabilities beyond the limits of helicopter technology.
- Self deployable worldwide, ferry range of 2,100 NM with one aerial refueling.
- Can fly at speeds from hover to 300 knots, cruises at 250 knots.
- Increased speed, maneuverability and reduced vulnerability make it much more survivable in combat than the helicopters it is replacing.
- Carries up to 24 fully combat loaded Marines internally or 10,000 pounds externally.
- Performs missions relevant to post Cold War era:

Amphibious landing
Noncombatant evacuation
Tactical recovery of aircraft and personnel
Humanitarian relief
Transporting troops into combat
Long-range special operations night/all weather
Provides all the above faster from further distances with more survivability than a helicopter

SCHEDULE

- Marine Medium Tiltrotor Training Squadron (VMMT–204) designated June 1999
- Initial operational capability for the Marine Corps—2001
- First USMC fleet squadron scheduled deployment—2003
- USAF Initial operational capability—2004
- Service buys: Marine Corps 360 MV–22s, Air Force 50 CV–22s, Navy 48 HV–22s

1830

ARMENIAN GENOCIDE COMMEMORATION

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

Mr. MENENDEZ. Madam Speaker, every year we come to the House floor to commemorate and pay tribute to the 1.5 million victims of the Armenian Genocide. Sadly, 85 years after the tragedy began, Turkey still refuses to recognize the Armenian Genocide and apologize for the atrocious acts it committed. Since 1923, Turkey has denied the Armenian Genocide despite overwhelming documentation, and since 1923 there has been no justice for the victims and the families of the victims of the Armenian Genocide.

To those who continue to resist the truth, I can only believe that they have chosen to ignore the hard evidence or to indulge their shame by ignoring the facts. Like the Holocaust, denying the Armenian Genocide cannot erase the tragedy, the lives that were lost, or compensate for driving people from their homeland. For the people of Armenia, the fight continues today, particularly for the Armenians of Nagorno-Karabagh, who are impacted by modern day Turkey and Azerbaijan's aggression toward Armenia in the form of the Azeri blockade against Nagorno-Karabagh. But their actions are not without consequences.

I believe the Congress will continue to provide assistance to the people residing in Nagorno-Karabagh, and we will continue to uphold section 907 of the Freedom Support Act that denies assistance to Azerbaijan until they end their stranglehold on Nagorno-Karabagh. Our message to Turkey and Azerbaijan must be loud and clear. We will not stand by as you once again seek to threaten the Armenian people.

For my part, I will continue to support assistance to improve the lives of all Armenians; I will continue to remember those who have lost their lives, and continue to commemorate this somber occasion. Lastly, I will continue to hold the Turkish and Azeri governments responsible for their actions past and present. For this reason, I have joined as a cosponsor of House Resolution 398, commemorating the genocide and calling on the President to characterize in his annual message commemorating the Armenian Genocide, the systematic and deliberate annihilation of 1.5 million Armenians as genocide and to recall the proud history of the United States intervention in opposition to that genocide.

I am hopeful that we will see the day when peace, stability, and prosperity are realized for the people of Nagorno-Karabagh and for all Armenians. But until then, the United States Congress must continue to be on the side of what is right, what is just and continue to assist to make sure that history does not repeat itself.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 60 minutes as the designee of the minority leader.

Ms. STABENOW. Madam Speaker, I come today to talk about what I believe is one of the most challenging if not the most challenging issues affecting our seniors and affecting many families across the country. This was spoken to a while ago by the gentleman from Arkansas (Mr. BERRY), who spoke very eloquently about the challenges of seniors related to the cost of prescription drugs.

What we have seen over the years is a system that started in 1965 under Medicare that has been a great American success story. In 1965, half of our seniors could not find insurance or could not afford health care insurance. Now we have a system for health care for seniors. The challenge before us is that health care has changed, the way we provide health care has changed. In 1965 we were predominantly providing health care in hospitals with surgeries, and the use of drugs was limited to the hospital.

Today, we know that care has changed; and we see home health care, we see outpatient care, and a great reliance on new prescription drugs, wonderful medications that we are very pleased and proud to have developed in the United States. But at the same time we are seeing a growing disparity and a horrible situation for too many seniors who literally on a daily basis are deciding do I buy my food today, do I get my medications, do I pay the electric bill, how can I keep going and remain healthy and well by having access to my medications? Because Medicare does not currently cover the costs of prescription drugs.

I rise today to urge my colleagues as quickly as possible, we are long overdue, in correcting this problem. We have economic good times. There is no reason that we cannot at this time get it right for Medicare, modernize Medicare, to cover the way health care is provided today; and that means covering the cost of prescription drugs. We are in economic good times, and I believe in these times we have obligations to pay our bills and pay our debts and to keep our commitments.

One of the most important commitments that we have made to older Americans is Medicare, health care for them. Social Security is another commitment, health care for our veterans, all important commitments that we have made. But because of the challenge that I have heard from too many of my constituents all across Michigan, I began months ago putting together something called the Prescription Drug Fairness Campaign. I have asked seniors and families to share with me their stories, if they are having difficulty paying for their medications to call a hotline that I set up for them to share their stories with me, or for them to send me letters and copies of their high prescription drug bills so that we can put a real face and a name and a situation on this problem.

This is not an issue made up by people on the floor of this House or by other politicians. This is an issue that is real for every senior and every family in this country. One of the things that disturbs me the most is the fact that we see such a disparity in pricing. As the gentleman from Arkansas mentioned earlier, we have a situation where if you go to another country, in my State we are right next to Canada in Michigan, I included a bus trip, I invited a number of seniors to join me, to go across the Ambassador Bridge from Detroit to Windsor; and we dropped their costs by 53 percent by crossing the bridge.

There is something wrong when there can be such a disparity. And when you add to that the fact that we are precluded by American law from bringing those drugs, mail order or bringing those medications routinely across the border without seeing a Canadian physician first and going through the Canadian process, we cannot reimport those drugs back into the United States, American-made FDA approved, because of protections that were put into the law in 1987 to protect our own pharmaceutical drug companies who are making the drugs here and benefiting from our research and development and the institutions that we have, the tax system we have that provides tax incentives and tax write-offs, which I support, I think it is important and good public policy for us to have an R&D tax credit, I think we need to keep it; but they benefit from that, sell to other countries, and then people are not even allowed to bring that back, to reimport it, without going through the process of seeing a Canadian physician and going through the Canadian health system.

I have also done other studies in my district that have shown that if you have insurance, if you have an HMO or other kinds of insurance, you are paying half on average what an uninsured senior or uninsured person is paying for their medical care, for their medicines. So we see seniors who use two-thirds of the medications in this country who do not have insurance and then because others get discounts because they are negotiating group discounts, they do not get those discounts, so they not only do not have insurance but they pay more on top of that, paying twice as much as somebody with insurance. It is crazy.

We have done another comparison as some others of my colleagues have that have shown that there are medications that are provided for animals as well as for people where in those cases where there is arthritis medication, heart medication, high blood pressure medication, we compared eight different medications to find that the same name, the same drug, the same quality controls and it costs half if you go to get it for your pet than it does for you to walk into the pharmacy, and we see the same medication. There is something wrong with this picture. We need to make sure that Medicare covers costs of prescription drugs, we modernize it to cover the way health care is provided, and then we need to get busy to make sure that we are lowering the cost of prescription drugs for all of our families.

I would like to share this evening three different letters that I have received from people around Michigan sharing their stories. I have made a commitment to the seniors of Michigan that I will come to this floor, I will share stories once a week every week until we fix this. Let me share with my colleagues this evening starting with Delores Graychek from Indian River, Michigan. Delores writes and sends me information as follows:

''I heard you talk on TV on January 26 and something does need to be done to help all of us out here that's on seven or eight medications like I am and have no help to pay for them. I picked up six of my seven meds yesterday. The total came to $274.78. That is more than my Social Security check. More than my Social Security check. Each month we get deeper in debt and soon we will be like a lot of other older people. We won't have anything left. We also are paying on hospital bills for me. I had open heart surgery last November. So by the time all of our bills come in, our Social Security checks are gone. I think it's a shame our golden years aren't golden after all. Thank you for what you're trying to do.

Truly, Delores Graychek, Indian River, Michigan.''

I want to thank Delores. She is right. Her golden years should be golden. It is up to us in the Congress to step up and to get it right. If we do not do this in economic good times, we never will. Now is the time to step up and cover prescription drugs under Medicare.

Let me cover another letter that I want to thank Joseph and Ethyl Korn from Marquette, Michigan, in the great upper peninsula of Michigan for writing and sharing this with me.

Dear Congresswoman Stabenow:

My husband and I have an enormous hardship with our prescription bills. Joe, who's a World War II veteran, fought to save our country. He has Parkinson's, mini-strokes, diverticulosis and deep depression. I have high blood pressure and I take my medicine, when I can afford it, including Premarin for my bones. Here is our prescription bill for what we can afford, and you can see I don't get all of mine. Oh, yes, I also have glaucoma and I need eye drops. This is Joseph and Ethyl M. Korn at the Snowbury Heights Retirement Home in Marquette, Michigan.

Mr. COBURN. Madam Speaker, will the gentlewoman yield?

Ms. STABENOW. I yield to the gentleman from Oklahoma.

Mr. COBURN. I think it is important for us to know, the lady you just described is on Premarin which in this country, a generic has been waiting to be approved by the FDA for 5 years to sell at 20 percent of the price of what she is paying right now, the exact same drug.

Ms. STABENOW. I would reclaim my time and thank my colleague for that information and would be happy to join with him in the issue of generic drugs, as well, as we look at how we lower the costs of prescriptions, because there are a number of different strategies that need to happen today, that need to address how we bring more competition with generics, how we allow the prices to go down because we have Medicare negotiating a group discount.

Right now seniors do not have anybody. If they do not have private insurance, a senior citizen today does not have anybody negotiating a group discount for them while others do have people, whether it is insurance coverage or their HMO.

Let me also share the information: I do have enclosures that I appreciate Joe and Ethyl sending me their expenditures from January 1, 1999, until November 6, 1999. Mr. Korn's total prescription drug cost for this 10-month period was $1,515.36. The total cost for Ethyl, who admits she cannot afford everything she needs, was $324.02.

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One of my concerns I hear from friends of mine who are physicians are concerns that people are not purchasing what they need, or that they are taking it the wrong way. I had a physician in Michigan join me at an event and share the fact that he had lost a patient because she was taking her medication every other day, instead of when she needed it, every day.

I have had stories of individuals talking to me about cutting their pills in half so they will last longer. This does not make sense. In our country, with the greatest innovations, the greatest health care innovations, the best research, we need to make sure that our seniors have access to these new medical options that are available, and are not picking between their food, paying their bills and their medicines, and that is what is happening with too many people today.

I want to share one more story, and that is Donald Booms from Lake City, Michigan. I very much appreciate Mr. Booms sharing his story with me as well.

Dear Congresswoman, recently I saw a story on TV about seniors not having insurance for prescription drugs. I am one of those people. I take three prescriptions daily and they cost about $200 a month. My wife is currently on Blue Cross. She goes on Medicare in April of this year, which means she, too, will be without insurance for prescription drugs. She is a diabetic and takes seven prescriptions a day. Her costs will be about $260 a month. Together we will be paying nearly $500 a month for our prescription drugs. Together our Social Security checks are about $1,100, minus $300 for Medicare and Medigap insurance payments, and we have $800 a month to live on. There surely does need to be something done with prescription drugs for seniors.

Thank you, Mr. Booms. There is something wrong when you are having to take $500 out of $800 a month in order to pay for your medications. Once again we are talking about a story of a couple on a fixed income, prior to retirement having access to health care and coverage, going into Medicare and retiring, and then finding themselves in the situation where they are taking the majority of the money that comes in every month just to pay for their medications.

I have hundreds of stories like this, hundreds of stories of people who are struggling every day to pay for their medications and to remain healthy.

When we took our trip to Canada, from Detroit to Windsor, there was a gentleman on the bus named George who is 79 years old, almost 80 years old. He continues to work in order to pay for $20,000 a year in prescription and other health care costs for his wife. His wife is on 16 different medications, and he continues to work so that she can ''live,'' as he puts it, so that she can remain with him. As he was telling me, there were tears in his eyes talking about how he had to keep working so that he could make sure his wife would remain with him and would be alive.

Another gentleman shared with me the fact that he takes one pill a month, and, because of our wonderful new innovations, which we are very appreciative of, that one pill allows him not to have open heart surgery, but the one pill costs $400.

When a pharmaceutical drug company comes forward and says that in order to be able to cover the cost of prescription drugs and address these high costs for seniors we would lose our research, that is just baloney. Twenty cents on every dollar that Mr. Booms or that the Korns are paying, 20 cents on every dollar is going to research. What we are seeing today is a whole new effort of advertising so that, as my colleague who talked about generic drugs said, the companies want to make sure we ask for the brand name. So we are paying more for advertising than for research.

So the reality is there is a way to get this right if we have the political will to do it. I believe, and I want to call on my colleague from Maine in a moment who has been such a leader as well in this issue, but I believe if we can solve Y2K, because it was a serious issue and we could not afford to let the lights go out and could not afford to let the computers go down, and brought all the American ingenuity together to fix what needed to be fixed, we did it. The lights were on January 1. Why can we not bring this same American ingenuity to help our seniors? Why can we not lower the cost of prescriptions and modernize Medicare to get it right? We can. I am going to be down here every week until we do it.

I yield now to my good friend the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding, and I want to thank the gentlewoman for her leadership on this issue. This is something that she and I have been working on now for, well, pretty close to 2 years, pretty close to 2 years, trying to bring the stories of these people, seniors all across this country and others who do not have prescription drug insurance, to the attention of this Congress. Although the issue is rising in terms of its coverage around the country, this Congress has yet to act.

I thought what I would do is talk about a few stories. A few of the stories were the stories that basically I heard when I first began, and they were simple stories, such as a retired firefighter in Sanford, Maine, standing up and telling me I spend $200 a month now on my prescription medication. My doctor just told me I need another prescription. It costs $100 a month, and I am not going to take it, because he could not possibly afford it.

Or the woman who wrote to me in July of 1998, the first of many, with a long list of her prescription drugs. She said in her letter here is a list of the medications that my husband and I are supposed to take. The bottom line was $650. She said here is a copy of our two Social Security checks, which is all the monthly income we have. The bottom line was $1,350.

That math does not work. You cannot have people who are taking in $1,300 a month total income, expected to spend $650 of that for prescription drugs alone. They have got rent, food, heat, and utilities; and it does not work.

I have had women write to me and say I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am and we cannot both afford to take our medication.

It should not be like that in this country, and there is no reason why it should, but the truth is that 37 percent of all seniors have no coverage at all for prescription medication. Another 16 percent are in these wonderful HMOs that were supposed to provide free prescription drug coverage, and every year the benefits go down, the cap goes down, the premiums go up, and people are left paying more and more of their prescription coverage out of their own pockets.

About 8 percent of people have Medigap prescription drug coverage, but often the cap is about $1,000 a year. That does not do much good for a lot of seniors in this country, who have several thousand dollars of prescription drug expenses in any one year.

Let me tell you about what we did in my district. I sent out a newsletter devoted entirely to health care. It dealt with veterans' care; it dealt with small businesses who were having trouble paying their premiums. It dealt with the veterans' health care, it dealt with seniors, it dealt with prescription drugs.

We got back 5,269 respondents, actually somewhat more than that. But we had a question in a questionnaire attached to this newsletter, and the question was, one of them, do you or your family member take a prescription drug on a regular basis? 4,089 people said yes. Of those 4,089, 1,726 said yes to the question do you have any difficulty paying for the drugs you or your family need? The truth of the matter is, people cannot do it.

We got back comments in response to those questionnaires. Here is one. A woman writes, ''Dear Mr. Allen, do I need help. My Social Security check is $736 a month. My medication is $335 to $350 a month. My Blue Cross, the supplemental insurance, is $106 a month.''

So she did the math. $736 minus $106 for Blue Cross, minus the $350 for medication, left her $280 to live on. And she said ''my husband passed away last July.''

Another woman wrote, ''I am a site manager here at an elderly housing project. I have approximately 110 tenants. We are in low-income housing. It is a crime to see how many people forego their groceries to buy a prescription or forego the prescription so they can eat. Several of my folks here do not have any supplemental insurance and won't go for Medicaid, as they think it is welfare.

''Last March, my husband had an aneurism and had to have surgery. He survived it and was given 2 prescriptions. When I got to the pharmacy I found they came to $300. Needless to say, I didn't have that kind of money. I called his doctor. My doctor is very kind and gives me samples when he can. Otherwise, I would not have them, as we just don't have the financial income to cover everything.''

Another woman writes, ''Since I am self-employed, I cannot afford the expensive health plans, and since I am a diabetic, I should have medication, but I cannot afford medication because that is too expensive. I can't even afford the doctor because they are also too expensive. You have to see a doctor to get the medication. Hopefully there is an answer for me and people like me. I have a question: How can Canada sell the same medication for half the price? They must be doing something right.''

One more story. ''At age 64,'' age 64, remember this, just before Medicare, ''at age 64 my wife is severely disabled by rheumatoid arthritis and is heavily reliant on at least 5 expensive prescription drugs. Over the past 3 years her total costs for those drugs has averaged just over $7,500, of which I have paid just over $2,000 out-of-pocket each year. I am fortunate to be able to cover that cost without sacrifice, but I am very concerned about what our situation will be when my wife turns 65, is forced to give up the private major medical policy which I now buy for her, and has to rely on Medicare and Medigap.''

When she is over 65, she is on Medicare and she no longer has outpatient prescription drug coverage, and the Medigap policies that I mentioned earlier typically have caps of $1,000, $1,200, or, at most, $1,500.

The truth is, the most profitable industry in the country is charging the highest prices in the world to people in this country who do not have health insurance that covers their prescription drugs. Twelve percent of the population is seniors. They buy 33 percent of prescription drugs. In my State of Maine, because there is no significant amount of managed care, I can tell you that just about 50 percent of the seniors in Maine have no coverage at all for their prescription medication, no coverage at all, and we know that over 80 percent of seniors take some prescription drugs, 83, 85 percent, something like that. So they are all taking prescription drugs.

In this context, what we have done on the Democratic side of the aisle is we have a plan, the President's plan for a Medicare prescription drug benefit, a start to help cover prescription medications for seniors who do not have the money to afford it right now.

We also have a bill that I have offered, and the gentlewoman has been a cosponsor from the beginning, which would provide a discount. If there are people who think a Medicare prescription drug benefit is too expensive for us now, we can do a discount, no new bureaucracy, no significant Federal expense, but a discount of up to 40 percent in the prices that seniors pay today for their prescription medications.

The Republicans in this House will not adopt either proposal, will not bring either proposal to the floor. What we hear this week is they are about to bring a proposal forward that is great for the pharmaceutical industry, but it is a disaster for seniors, because it relies on private insurance.

I would ask my friends on the Republican side of the aisle, why is it so difficult to strengthen Medicare? Why is it so difficult to update Medicare and add a prescription drug benefit?

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The private sector plans that are out there have prescription drug benefits: Aetna, Signa, United. The major private health care plans around this country have prescription drug benefits. Why not Medicare? Is it that hard?

The answer is, it is not that hard. We could do it, and we could do it now. We could give relief to the seniors who have been writing me, who have been writing the gentlewoman, who have been talking to Democrats all across this country. It is a national scandal that we do not do something about it, and we must before we adjourn this fall.

I just want to say to the gentlewoman from Michigan (Ms. STABENOW) how much I appreciate the gentlewoman's determination, her persistence, her leadership on this issue. She is really doing us all proud. I thank the gentlewoman very much.

Ms. STABENOW. I thank my colleague, who has been a terrific leader, really a pioneer, in this effort. He has been down here making the case.

As the gentleman says, there is more than one strategy. There is a discount by allowing pharmacies to purchase directly from the Federal price schedules. There is opening up the borders to allow people to bring drugs back in, or to do mail order.

Fundamentally what I believe is the long-term solution that we have to come to is taking the health care system for our seniors in the country today and modernizing it to cover the costs of medications. That is the way health care is provided today. We have an opportunity, a once-in-a-generation opportunity where we have choices we can make with a good economy.

In the long run, this saves money by making sure that we keep people healthy and out of the hospital, and allow them to be able to continue to live vigorous lives and be able to have their health care needs met. It makes no sense not to do it right. I want to thank the gentleman for joining me.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK), who has been a terrific leader in Northern Michigan, in the Upper Peninsula. He has been doing studies and meeting with people weekly to hear their concerns. I know the gentleman shares our concern and determination.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for her leadership on this issue.

I was in my office doing some work and I heard the gentlewoman's statements, and statements the gentlewoman has received from around Michigan. She has been a leader around the Nation to try to get prices lower for all our constituents in Michigan. Some have been from Marquette Michigan, the area I represent.

I certainly share the gentlewoman's sentiments. In September of 1998, we had the Committee on Government Reform also do a study in my district, which as the gentlewoman said is the Upper Peninsula, Northern and lower Michigan.

We found that the most favored customers and the big HMOs, those who have insurance coverage, pay about half of what an uninsured senior would have to pay for prescription drug coverage. Not only is there inherent discrimination here, where we make those who can least afford it pay the most because they do not have the purchasing power behind them of a big HMO or a big insurance company.

What we have found also in further follow-up studies, and I know the gentlewoman has mentioned it tonight, in Mexico, Canada, the same drugs, the same companies, the same number of pills in that vial, and they pay 50 to 60 percent less.

Our seniors go to Canada up in our neck of the woods, or if they are in the South, they go to Mexico and get it for half the price.

I saw an article recently in Congress Daily where they said, Well, those countries do not allow us to put our true cost out there, and therefore, those countries have price controls over their prescription drugs. But in the United States, since we do not make any kind of controls or try to rein in these pharmaceutical companies, they charge basically whatever they want.

When we look at these studies, take the study from my district in 1998, they show the return on that investment on that prescription drug for those pharmaceutical companies, a 26.7 percent profit.

When inflation is 3 percent, their profit margin for that year, 1997, the most recent statistics we had, was 26.7 percent. For total profit after all the advertising, after all the research, it was $28 billion.

I do not mind them making a profit, but I do not think in this time of low inflation we should have 26.7 percent profit or $28 billion in profits and not help out those seniors who really need the help.

Take a look at it. I have a letter here from a lady from my district. I am going to be doing town halls for the next two weeks, and the gentlewoman will be also, in Michigan. We are going to hear a lot more about this.

She writes, ''Dear sir, my only income is social security, a check of $685. I live in a L'Anse housing apartment. I pay $147 a month. I had to sell my car. I really do need the help.'' She sends me her prescription drugs. There is $54.39, $50.51, $15.53, $12.74. These are monthly. Add that up.

Here is another one from another lady from L'Anse. She says, ''Dear sir, I am enclosing receipts for medicine I had to take for pneumonia. My husband died December 11, 1998, and I have $634 to live on for the month. I pay $137.64 for Blue Cross insurance. I am 73½ years old and I still work, so I can continue with Blue Cross-Blue Shield and prescriptions. But even with the allowance, I still have to pay about $20 for each prescription I take, and I do it for a month. So even though I have Blue Cross-Blue Shield, I still have to pay another $80 in co-pay. I ask you, I don't have enough to go around. I sure hope something can be done on the price of prescription medicine.''

Again, she made me copies from Primo Pharmacy of all of her parmaceuticals.

Here is another individual from Cheboygan, Michigan. ''In response to your AARP article concerning drug prices for seniors, I am 88 years old, a widow, living on a social security benefit of $814 a month. I am enclosing receipts for my drugs for just 1 month, every month. Some months it is more. The total is $446.36 a month. Seniors really need help with drug prices.'' She signs her letter.

The issue here is, seniors do need help with drug prices, with the costs of their drugs. There are three bills: the Allen bill from the gentleman from Maine, which takes the purchasing power of the Federal government to try to drive down the prices of prescription drugs for seniors who do not have any type of insurance coverage; the Stark bill, which actually says, make it part of Medicare, have universal service. There is the President's bill, which does a little bit of both.

I know the Republican party will be bringing forth a bill, and I look forward to it, but I hope they understand one thing. We have to stop the price discriminatory practices by the pharmaceutical companies and make it universal coverage. In this country, there is no reason why not.

In my district, about 40 percent of seniors do not have any prescription drug coverage. Why should they pay twice, twice as much as someone who happens to have a prescription drug coverage or is part of a large HMO?

As the gentlewoman knows, in the Upper Peninsula of Michigan there are no HMOs. In lower Michigan there is now one left. A very small part of my district can take advantage of an HMO to get prescription drug coverage.

Again, we do not mind them making a buck, but when their return is 26.7 percent, that is better than the market right now. Even after paying all the research, all the advertising, and whenever we open up the magazine it is full of advertising for this drug and that drug, they are still making $28 billion a year. We do not mind a profit, but do not gouge our uninsured seniors to make a profit.

The Democrat party would like to see universal coverage, and stop the predatory price discriminatory practices of the pharmaceutical companies.

I must say, we have to thank the pharmacists throughout the State who have brought this to our attention and have helped us in these studies to show us what they have to pay. It is not their fault. The local pharmacist is doing the best they can. They get the price. If the customer is with Blue Cross/Blue Shield, they pay one price, with Aetna they pay a different price, with the Federal system they pay a different price. That is passed on from the pharmaceutical companies. The markup is very, very small, 1 or 2, 3 percent at most. These are the prices being set by the pharmaceutical companies.

I think in this day and age there is no reason why we cannot have prescription drug coverage for our seniors, especially those who, like these widows that I have brought these letters from, they have written to me, they did not have insurance policies. They did not have insurance plans. Their husbands are deceased. They live on social security. That is it.

No one would devise a Medicare plan nowadays without prescription drugs. Prescription drugs are wonderful. They save lives. We should have it. We should have it for everyone.

I want to thank the gentlewoman for her leadership. I look forward to working with her over the Easter break. I am sure we will be doing more town hall meetings. I am sure we will see more and more discussion about prescription drug coverage. But I thank the gentlewoman for having this special order tonight. It is an issue very near to the seniors in my district and throughout this country.

We reach out to our Republican friends. Together we can solve this problem. I hope that we will be joined by our friends across the aisle to put forth a program to just use the purchasing power of the Federal government under the Federal supply service, pass that on to those uninsured seniors, and we can cut the price in half for those seniors. That is not asking too much. I think we could do that. I hope they will join us with that.

Ms. STABENOW. I thank the gentleman very much for his efforts. I know this adds another dimension in our rural parts of the country in Michigan, up north in the UP, where it is more difficult to get to a hospital or other facilities as well. We need to really be strengthening our home health care and medications so people can be living at home and living with family, and having the opportunity to be independent. They have longer distances as well to drive, and it complicates health care provision, I know.

I want to thank the gentleman for all of his work. He is at the front end of what is happening, and I want to thank the gentleman from Michigan (Mr. STUPAK) for that.

Mr. Speaker, let me just stress again that we have within our means the ability to solve this problem. Medicare was started in 1965 because half of our seniors could not find insurance or could not afford it. It has now become a great American success story of having a promise that every senior has some basic health care available to them once they reach age 65 or if they are disabled.

What we have today, though, is a false promise, because we cannot provide the kind of health care or access to the kind of health care that is practiced today. That is predominantly through our prescription drug strategies for providing health care. More and more of health care is provided through medications, and if the health care plan does not cover medications, people are in very tough shape.

Our goal is to modernize Medicare to cover the way health care is provided today. That is it. We are hoping that our colleagues will want to do that. My greatest fear is that there will be proposals put forward to subsidize the high cost, help seniors pay for the high prices, but not do anything to get a handle on the prices or bring some accountability to those prices.

We need to have somebody negotiating on behalf of seniors through Medicare to get the same kind of group discounts that people do if they go through a private insurance company or through an HMO. That is what can happen. The purchasing power of Medicare can make that happen, if we act this year. We have the ability to act, we have the resources to act, and we can do that on behalf of all of our seniors if we have the political will to make it happen. We did it with Y2K and we can do it with Medicare and prescription drugs for our seniors.

Mr. Speaker, I know the gentlewoman from Ohio (Ms. KAPTUR) has been from northern Ohio, bordering right on Michigan, and we have a lot of ways in which we work together fighting for our seniors, for our families. She has also been a champion on this issue, as well.

I will just say in conclusion that we are going to keep going every week, every week, every week, until this gets fixed, because we can do no less for our seniors.

CONGRESS SHOULD NOT APPROVE PERMANENT NORMAL TRADE STATUS FOR THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

IN SUPPORT OF PRESCRIPTION DRUG COVERAGE FOR SENIORS

Ms. KAPTUR. Mr. Speaker, I wanted to thank my very able colleague, the gentlewoman from Michigan (Ms. STABENOW), for taking out this special order tonight on the important issue of prescription drugs. I would like to lend my verbal support and moral support to everything she is trying to do in taking on this great leadership challenge for our Nation.

This past weekend I visited one of my dear friends back home who was denied coverage for prescription drugs, and was told that if he were to try to save his life in a cancer treatment, he and his wife would have to cough up $1,500 a week. How would Members like to have to face that decision as they are trying to save their lives, and their family is surrounding them at one of the most difficult times it has ever faced?

So I am with the gentlewoman in her efforts here to do what is right for our senior citizens as well as our families. The people in the room in the hospital were from all ages, all the relatives. Here they had to contend with these insurance companies and all these prescription drug problems when they were trying to deal with a life and death situation.

I thank the gentlewoman from Michigan. We admire the gentlewoman's work and she has our support.

Mr. Speaker, I rise tonight to advise my colleagues about one more reason that this Congress should not approve a blank check that will be before us in about 5 weeks called ''Approving Permanent Normal Trade Status for the People's Republic of China.''

I want Members to know, and I am placing in the RECORD the story of another one of my constituents from near Toledo, Ohio, in the village of White House. I hope the message I give tonight will reach the White House here in Washington.

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This is the story of Ciping Huang, a Chinese American at the University of Toledo, married to a gentleman from my community. She has been harassed, detained, interrogated, and expelled from China because of her association as a member of the Independent Federation of Chinese Students and Scholars in our Nation. She has been refused reentry into China to visit her ill father who is suffering from cancer, and I can think of no better example of the callous disregard for human rights exhibited daily by the government of the People's Republic of China than her story. I will read her letter to you, and I hope to bring her to Washington as this debate ensues.

She says, ''Dear Congresswoman, my name is Ciping Huang and I am a council member of the Independent Federation of Chinese Students and Scholars in the United States.''

She has been an elected officer in that organization, which was established in 1989, after the Tiananmen Square massacre.

''Unfortunately,'' she writes, ''our involvement, our association's involvement, in democracy and freedom for China has resulted in harsh treatment by the Chinese Communist government, in particular on our student members as they try to return to their homeland. Whether a Chinese citizen or an American citizen, our members can be harassed, detained, threatened or kicked out of China because of our activities. And what are our activities? Consistent delivery of overseas donations to the June 4 massacre victims and families from Tiananmen Square.

We support and have supported conditional yearly renewal of the most favored nation trade status for China, and because we lobby the United States Congress to provide protection for Chinese students and scholars from punishment by the Chinese Government due to their roles in fighting for democracy since 1989.

She says, ''Take my story as an example. In 1998, while I went home to visit my aging parents in China, I was taken away by the secret police for interrogation on many details related to our student association and the activities of other Chinese Democratic groups and organizations.

For several days, they tried to force me to do things I did not want to do, including signing a confession letter. On the fifth day I was given 20 minutes to pack my luggage and say good-bye to my scared parents and was forced into Hong Kong. Still, the secret police told me they had treated me leniently because I am married to an American.

He had contacted his congressional representative, the gentlewoman from Ohio (Ms. KAPTUR), in order to protect me. The government told me I must cooperate with them afterwards and do what they wanted me to do if I ever wanted to return home to visit my parents again.

Last September, I learned my father had a 102 degree fever for several days and was diagnosed with cancer. I decided to take a trip back home immediately. However, about 20 police stopped me at the Shanghai International Airport. They searched my luggage and would not let me make phone calls or even go to the bathroom.

In the airport I asked them to respect the United Nations Universal Declaration of Human Rights, which the Chinese President had just signed, and let me go visit my ill father, but my plea was simply ignored. I was put on the airplane back to Tokyo, even though they knew that the hospital had sent us a critical condition notice which stated that my father could die any minute.

In Tokyo, I repeatedly appealed to the Chinese authorities to allow me into China for basic humanitarian reasons but to no avail. Up until this day, I still have not been able to visit my poor father.

''For a long time,'' she says,

I have viewed America, its people and its government as the ones who hold the moral flags high who would be willing to help and sometimes sacrifice themselves for the people in the rest of the world to gain their basic human rights and dignity, and for humanitarian reasons.

Now for this permanent normal trade status, as well as admission to the WTO, the World Trade Organization, I wish you could prove that again. I wish you could answer this question correctly: Is business more important than the principles we live by? Do we care about the human rights condition of more than 1.2 billion human lives

In the past, the annual congressional conditional renewal of most favored nation to China was able to provide some leverage for Chinese human rights improvement, such as the release of some political prisoners and the relaxation of the political atmosphere within China. Unfortunately, as you all know, without the attachment of the human rights improvement, conditions in China have deteriorated in the last few years.

Mr. Speaker, at this point I would like to insert the remainder of this letter in the RECORD, and I will come to the floor again to read the conclusion.

The Chinese Communist government has not and will not learn democracy and respect human dignity from the PNTR. They would only take its passage as an advantage and signal that it is OK to continue their miserable, poor record on human rights and democracy.

But, if America could care less about people far away (look at what they have done to FaLun Gong members and Taiwan recently), I hope you do realize that the PNTR would do no more benefit for American workers, especially those in the trade Unions where people earn a living wage with health and retirement benefits. In China, there are no real workers unions; thus, it puts American workers in a much more disadvantaged position to compete with.

Let me stress, I wish that America will protect the human rights of its own people. Furthermore, America should help to protect the human rights of its own people by helping to protect the human rights of the people in the other countries. Only when these countries have human rights and democracy, shall the world be in peace. And I wish we could hold morality above money, but not the other way around. And I wish none of us, including our democratic government, would have to kneel in front of a dictatorial government for money, or mercy, or the human rights we deserve to have. And finally, with all of your conscience and help, I wish that in the near future, I would be able to visit my ill father in my homeland.

Thank you all.

Sincerely,

CIPING HUANG.

WHAT CAN BE DONE TODAY TO CHANGE THE CURRENT CLIMATE AS FAR AS PRESCRIPTION DRUGS FOR SENIORS IN THIS COUNTRY

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I wanted to address the American public and Members of the House tonight. I find myself in a minority in Washington, both among the Republicans and the Democrats. I am a practicing physician that normally practices and sees patients on Mondays and Fridays when I am not in Washington, and I see before us a situation much like a patient who would come to me with a fever, chills and night sweats, and the treatment we are about to give to that patient is to tell them to take an aspirin and cover up in a blanket and go home and they will get better, when the underlying problem is that they have pneumonia. Without totally diagnosing their disease, what I have done is committed inappropriate care and have actually harmed the patient.

If one is a senior citizen tonight, I want them to listen very carefully to what I am going to explain to them about Medicare, and the tack that I am going to take is not necessarily going to be appreciated by most of the Members of this body.

I also happen to be a term-limited Member of Congress. I am not running for reelection, and I want to say that in my heart, knowing how severe the problems are for my patients with prescription drugs, the worst thing we can do for seniors is to add a costly prescription benefit drug to the Medicare program.

I am going to spend the next hour outlining why that is the case and why it ignores what the real problems are in the drug industry and the physician practices that now many of our seniors find themselves involved with.

I also want everyone to know that Medicare has been abused by the Members of this body, the other body and previous Presidents, because most workers in this country, as a matter of fact all workers in this country except if they are a Federal employee, are paying 1.45 cents out of every dollar they earn, no matter how much money they earn, into the Medicare part A trust fund.

As they pay that 1.45 cents, so does their employer. So that is almost 3 cents out of every dollar that is earned by every employee is paid into the Medicare part A trust fund.

The Congress, with the consent of the Presidents over the last 20 years, have stolen $166 billion of that money. What they have done is they have put an IOU in there and said we will pay this back some day in the future, but they took that money and spent it on other programs. They did not say we need to raise taxes to do this good program. They did not say we are going to take the Medicare money and spend it on this program. They just very quietly took $166 billion out of that trust fund for a hospital trust fund and spent it on other programs.

Now that is not a partisan statement. That is Republicans and Democrats alike.

So we now find that as of 2 weeks ago, that trust fund is going to be totally bankrupt by the year 2015.

Now we had some good news this last week. That has advanced to 2023; that is, if we do not do anything with Medicare.

We know that at least 17 cents out of every dollar that is paid out for Medicare is inappropriate. Where is the reform for Medicare? Where is the fix to the very program that is supposed to be supplying the needs of our seniors?

I see every day that I am in practice seniors who have a difficult time accomplishing what I want them to do as far as their drugs. I see seniors, and we have had described tonight, that have to make a choice between whether they are going to eat a meal or take a medicine. That is not all because there is not a prescription drug benefit because of Medicare, and what I want to outline is some of the deeper problems that are associated with the pricing of drugs in this country, the overprescribing of drugs in this country, the lack of review of drugs that seniors are taking in this country, and what we can do about it to fix it before we ever start adding another program.

The reason that that is important, because if we add another benefit now the people who are going to pay for that is our grandchildren. It is not going to be 3 cents out of every dollar. It is going to be 9 cents out of every dollar, and what is really being said is the grandchildren's standard of living, if we establish a Medicare drug benefit, because that is who is going to pay for it because it is going to start in the year 2023 and there is going to be a significant price to pay, and that price is going to be manifested in the fact that their standard of living is going to be far less. They will not buy a new home because they are going to be paying 6 percent additional out of their income for a Medicare program.

What can we do today to change the current climate as far as prescription drugs in this country? I say there is a lot we can do. The first thing we can do is we can ask the President to instruct the FDA to get on the ball as far as generic drugs. The gentlewoman from Michigan mentioned that she had somebody write in and say she was taking Premarin. For 5 years there has been an application pending for an identical drug to Premarin that the vast majority of women over 50 years of age in this country are taking that will sell for one-sixth the cost that Premarin presently sells for.

Premarin sells for, a month, about $30 average in this country. The same drug made in the same plant in Europe, not Canada and Mexico because they have price controls, in Europe sells for $6.95. How is it that we are subsidizing the drug consumption of the rest of the world? There is something wrong with the market.

So it is not a nonconservative position to ask that competition be restored. The first thing we do is we get the FDA to approve more generic drugs.

I might also note that there was a recent release March 16 on four drug companies where the FTC found that two drug companies had paid two other drug companies to delay the release of their generics. In other words, they fixed prices. What that says to us is the Justice Department in this country ought to have an aggressive policy that is going to attack anticompetitive practices in the drug industry. If we do not fix that and we create a Medicare drug benefit, what we are going to do is waste money in Medicare, besides supplying the need for our seniors which is very real. I do not deny that.

If we do not fix that underlying pneumonia in this program and in the drug industry, all we are going to do is pay more money for it.

Those companies, and this can be found on the FTC Web site as of March 16, 2000, if anyone is interested in knowing, clear evidence that there is price fixing that is ongoing in the drug industry today; clear evidence that the Justice Department is not doing its job to make sure that there is competition among the drug industry.

The other thing that is important is 2 years ago, which I voted against and very few of us did, this Congress and this President passed FDA reform which allowed prescription drug companies to advertise prescription-only medicines on television. This year they will spend $1.9 billion on television advertising for medicines that can only be gotten if a doctor writes a prescription for someone.

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Who is paying for that? We are paying for it. It is not necessarily more effective for the patient. It does not necessarily make us healthier. It just creates a brand name under which that drug company can sell more of a particular brand of drug without necessarily inuring any health benefit to us as a Nation. We ought to reverse that.

There is no reason to advertise prescription drugs on television. That is $1.9 billion that would drop out of the price of drugs tomorrow. That is expected to go to $5 billion next year. So we can take $5 billion next year out of the cost of drugs.

This year, the average wholesale price of existing drugs in this country rose 12 percent. That is the year 1999. Not new drugs, drugs that were already out there. The costs associated to those drug companies for those was 1.8 percent. So they had a six-fold increase in price for existing drugs with a 1.8 percent increase in price.

That to me tells us that there is no competition in the drug industry. When the average cost of living was less, the increases all across the board were 3 percent, and prescription drugs, not new drugs, not new benefits, not things that were breakthroughs, increased four times the rate of inflation, we have to ask the question, what is going on in the drug industry?

Do not get me wrong. I believe in the free enterprise system. I believe in competition. I believe competition allocates scarce resources very effectively. But we do not have competition in the drug industry today.

A third thing that can happen is we ought to put a freeze, no additional mergers in the drug industry until there is a blue ribbon panel that says there is, in fact, competition to make sure that there is true competition.

A drug was recently introduced that competes with a drug that is on TV, everybody knows it as the purple pill. It is called Prilosec. A new drug, does the same thing slightly different, one would think they would want to get market share. One would think they would want to introduce that new drug at a price lower so that people might switch to that one to use it. Guess what the average wholesale price? Exactly the same as Prilosec. Why is that? Because there is no competition in the drug industry.

Now, the statements I am making on the floor tonight will be met with hardball politics tomorrow by the drug industry, my colleagues can bet it. But unless America wakes up and does not go to sleep saying the problem to solve drugs for our seniors is to create a new program on a bankrupt program and charge it to our grandchildren, we will never solve the problems. The problems are severe.

There is another thing that could happen tomorrow that would help almost every person that has been mentioned in the hour before I started speaking. Almost every drug company in this country has an indigent drug program. They will give drugs free to indigent seniors, but it takes a little work. The doctor has to fill out something. It has to be mailed to the drug company. They will mail them a 30-day supply. One has to keep doing it if one wants them to keep getting it.

The drug companies are willing to do that, but the physicians in this country, because they are already overworked because of the overburdened system of managed care, do not really have the time to take advantage of that.

So here we have a benefit that would lower the cost, would make available drugs to many of our seniors, but it is not being utilized because of the mandated system and lack of competition and the lack of freedom associated with the health care system that we have.

There is still another thing that we could do, and this one my physician friends are not going to like. But we heard comments that a senior was on 17 medicines. Well, I will tell my colleagues any person in this country on 17 medicines is not feeling well. One of the reasons they are not feeling well is the medicines are making them not feel well.

Most good doctors were trained to do a medicine review at least every couple of months on somebody taking 17 medicines. One of the things that makes me happiest when I see seniors, they come to see me, and I look at the medicines they are on, if they are a new patient, the first thing I do is take them off three or four, and they think I am a hero. I am not a great doctor. It is just common sense that if one is on too many medicines, one is not going to feel good.

The second thing is, if one is on 17 medicines, one is not going to be taking them right. So they are not going to be effective.

The third thing is doctors have to pay attention to what medicines cost. Guess what? Most physicians are not doing that. They are writing a prescription. Our goal ought to be, as physicians, is if we are going to help somebody get well, we ought to make sure we can give them a prescription for a drug they can afford to take.

Now, that may not always be the best drug. It may be one that works 95 percent as well. But if they are taking the one that costs $5 that works 95 percent as well compared to the one that costs four or five times as much and worked 99 percent instead of 95, which would one rather have one's mother and father on. I would rather have them on the one they are going to take.

So I think there are a lot of common sense things that ought to be approached before we ever start talking about sacrificing the future of our grandchildren by expanding a new Medicare program.

Now, let me give my colleagues a little history on Medicare. We talked about all the things. The closest the Federal Government, the best the Federal Government has ever done in estimating the cost of a new Medicare benefit they missed by 700 percent. So when my colleagues hear a new drug program is going to cost $40 billion, it is going to cost $280 billion at the least, $280 billion.

Instead of this program being bankrupt in 2023, it is going to be bankrupt in 2007, 2008. Now, politically, if one is running for office, it does not take much courage to say one will vote for a Medicare benefit. But it takes a whole lot of courage to say, I do not think that is the best thing for all of us as a society as a whole.

Why do we not fix the real problems associated with the delivery of medicine and drugs and competition within the health care industry. By ignoring it, that patient I talked about that had pneumonia is going to die, and that is what is going to happen to Medicare. We will not let it die because the career politicians do not have the courage to challenge the system. It was last year that we finally got the Congress to stop touching Social Security money. But this year, if you will notice these charts, you can see how the Medicare money comes in. Medicare trust money comes in, it goes to the Federal Government. They use it, the excess money they put an IOU in there and the IOU is credited to the Medicare trust fund. Here is what is going to happen for the next 2 years.

These are not my numbers. These are Congressional Budget numbers as of 2 weeks ago. This year, the surplus in the Medicare part A trust fund is $22 billion. The surplus in the fiscal year 2000, right now, as estimated by the CBO is $23 billion. So $22 billion of the $23 billion that the politicians in Washington are going to call surplus is actually coming from Medicare trust fund.

Mr. Speaker, how about us not touching that? How about us not spending that on something else? How about us retiring outside debt, so that when it comes time for us to use that, we will have the money, that we will not have to go borrow it from our children and grandchildren.

Year 2001, the same thing, $22 billion of the surplus which is projected right now at $22 billion, it is all Medicare part A money. So we can claim we have a surplus, but we have to wink and nod at you and say, well, it really is part A trust fund money, but we are going to borrow it, because we cannot control the appetite of the Federal bureaucracies. We cannot make them efficient to do what they need to do it, and we cannot meet the needs of the commitments that we have made to the rest of America by making sure government is at least as efficient as the private sector, what we are going to do is we are going to steal the money.

Instead of $166 billion that we owe, we are going to go to $189 billion this year, and then we are going to go to $211 billion next year. And then pretty soon, it is going to tail right back off, because as we add a drug program, the numbers are going to be uncontrollable.

So we have major problems ahead of us, and they are confused because the only thing that the people in Washington want to talk about is answering the easy political problem. A senior has problem buying drugs, so, therefore, we create a Federal program that buys drugs. That is not the answer that our children deserve. That is not the answer that you deserve when you elect people to come up here.

We need to make the hard choices, even if it means we do not get reelected, we need to make the hard choices to fix the programs so they work effectively.

I notice a friend of mine has shown up, the gentleman from Minnesota (Mr. GUTKNECHT), and I would welcome him and recognize him now and yield to him.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COBURN) for yielding and for this special order and I thank our colleagues earlier for talking about this problem, because it is a major problem. And, unfortunately, for both the administration and some of the leadership here in Congress, what we are talking about is solving what some people say is the problem, and that is that seniors are not getting the prescription drugs or a benefit that some people feel they should, when the real problem is runaway prices, and as the gentleman indicated earlier, a tendency to overprescribe.

Mr. Speaker, I am not certain what we can do in terms of influencing the medical professionals as it relates to overprescribing, but I think we need to take an honest and sober look at how much Americans pay for prescription drugs relative to the rest of the world. Now, I do not believe in price controls. I believe in markets. I believe at the end of the day that markets are more powerful than armies.

Last Saturday night, I was privileged to attend a dinner and the last leader of the Soviet Union, Mikhail Gorbachev, spoke to us; and it was interesting, because as he talked for an hour and 12 minutes, he went through sort of his metamorphosis and where he finally came to the acknowledgment that they could not compete with the United States, that a market economy was much more efficient than a controlled government-run economy.

He finally reached the point where he realized that both militarily, economically, and, perhaps, even socially and culturally, that the West had won, and they had to do something else. I believe in markets.

Mr. Speaker, I believe that the idea of having a big government bureaucracy trying to control prices and make certain that everybody gets the right drugs, I think that is ridiculous; and frankly, if anything, here in Washington, we ought to be restricting the power of the Health Care Finance Agency and of the FDA.

Let me just run through this. There is a group, I believe they are out of Utah. I owe them a big debt of gratitude William Faloon has put out a brochure, and this is available to any Member or anyone else who wants to call my office, we will send them out a copy of this. They have done an interesting study on the differences between prescription drug prices here and in Europe.

We have a tendency to still think of Europe as being sort of our adolescent child. After World War II, the United States basically made certain that the European economy was rebuilt, but today the European Union has a bigger economy, in terms of gross domestic product, than we do. It is interesting in respects, we continue to subsidize what is happening in Europe, whether it is militarily and even in drugs.

Let me just run through a few of these drugs. And frankly the gentleman probably knows better than I do what these drugs are prescribed for, but these are some of the most commonly prescribed drugs in the world. One the gentleman mentioned earlier is Premarin. The average price in the United States, according to a study done by the Life Extension Foundation, Mr. Faloon's organization, the average price in the United States last year was $14.98 for a 28-day supply. The average price in Europe is $4.25.

Mr. COBURN. For one third of the price?

Mr. GUTKNECHT. Less than a third of the price.

Mr. COBURN. The same drug?

Mr. GUTKNECHT. The same drug made by the same company in the same plant under the same FDA approval.

Mr. Speaker, let me run through a few more. Synthroid, now that is a drug that my wife takes. In the United States, the average price for a 50-tablet supply of 100 milligrams, the average price in the United States $13.84. In Europe, it is $2.95. Cumadin, that is a drug that my dad takes. He has a heart condition. It is a blood thinner I understand. Cumadin, 25 capsules, 10 milligrams, the average price in the United States $30.25; the average price in Europe $2.85.

Let us take Claritin, which is a commonly prescribed drug in America today, and they advertise quite heavily, as the gentleman indicated earlier, the average price in the United States for a 20-tablet supply of 10 milligrams is $44. In Europe that same drug made in the same plant by the same company, same dose everything is $8.75.

Augmentin, and I do not know what Augmentin is for perhaps the gentleman does.

Mr. COBURN. Augmentin is a very effective antibiotic.

Mr. GUTKNECHT. For Augmentin, a 12-tablet supply of 500 milligram here in the United States we pay an average of $49.50. In Europe, for exactly the same drug, the price is $8.75.

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Glucophage. Perhaps the gentleman can share with us what this is.

Mr. COBURN. That is an anti-diabetic drug.

Mr. GUTKNECHT. Apparently it is commonly prescribed; 850 milligram capsules, quantity of 50. The average price in the United States is $54.49. The average price in Europe is $4.50.

And this is a group in Minnesota that has done this study. Another commonly prescribed drug, Prilosec, the average price here in the United States is around $100 for a 30-day supply. That same 30-day supply, if a person happened to be vacationing in Winnipeg, Manitoba, and they take their prescription into a drugstore there, they will pay $50.80 for the drug that sells in the United States for roughly a hundred dollars.

But here is what is even more troubling. I will use that term. What is more troubling is that if we were to buy that same drug, same company, same FDA approval, but we purchase it in Guadalajara, Mexico, that same drug sells for $17.50.

Now, I do not believe in price controls. I do not believe we should have a new agency to try to control drug prices. I believe that markets are more powerful than armies. But let me just say this. A few years ago this Congress passed the North American Free Trade Agreement; and we allow corn, we allow beans, we allow lumber, we allow cars, we allow steel, and we allow all kinds of goods to go back and forth across the border between the United States and Canada and between the United States and Mexico. That is what free trade is all about. But there is one exception. We do not allow prescription drugs to go across those borders.

And, really, to give an analogy, and it is the best analogy that I have come up with, let us just say that there are three drugstores. One is on the north side of town, one is on the south side of town, and one is downtown. Now, there is over a 50 percent difference in the prices that those three stores charge, but our own FDA, our own Federal Government, the Food and Drug Administration, says, Oh, you American consumers can only buy your drugs from the most expensive store.

Now, I asked a businessperson this morning. I said, Suppose you are in a business, and you find out that you are the largest customer of a particular supplier, and yet you also find out that they are selling exactly the same thing to some of your friends that are in the business cheaper than they are selling to you, even though you are their biggest customer. How long do my colleagues think that would last? But that is exactly what is happening in the drug industry.

The FDA, and I believe really without any legislative approval, has decided that they will unilaterally stop the importation of drugs into the United States which are otherwise approved in the United States. And to me that is outrageous. We should not stand idly by as a Congress and allow our own FDA to stand between American consumers in general and American seniors in particular. We should not allow our own FDA to stand between them and lower drug prices.

And the one great thing about markets, whether we are talking about oil or we are talking cotton or we are talking about prescription drugs, I do not care what it is, the great thing about markets is they have a way of leveling themselves.

In southeastern Oklahoma, I will bet that if the gentleman goes to any of the elevators in his district, he will find that the elevator in Enid—well, Enid is not in the gentleman's district. I am trying to think of one of the towns. I have been to virtually every town in the gentleman's district. But if the gentleman were to go to one town in southern Oklahoma, the wheat price might be X amount today. And if the gentleman called over to another elevator, it might be a different price. The chances are the prices would be different.

But over time, what would happen? Those prices would tend to self-regulate. Because the farmers start figuring out that if the elevator in Enid, Oklahoma, is paying a higher price than the one in Muskogee, they will all start going to Muskogee. And what happens is the prices start to level. That is the way markets work. The unfortunate thing is that our Federal Government has been standing in the way of allowing those markets to work.

And so, again, I would say that Members who would like a copy of this brochure, and I must say that I had nothing to do with writing this, but this brochure, put out by the Life Extension Foundation, is a reprint of their February Year 2000 brochure, which tells the whole story. It gives an excellent chart of how much more American consumers are paying.

Now, again, I do not want price controls. But this is what I say to my seniors: we should not have ''stupid'' tattooed across our foreheads. It is outrageous that Americans are paying upwards of 40 percent more than the rest of the world for prescription drugs, and it seems to me that we have a moral obligation, particularly now that we are having this discussion about opening up, in effect, perhaps a new entitlement, if we do that without dealing with the real problem, which is runaway prices, then I say, shame on us.

I yield back to my colleague from Oklahoma.

Mr. COBURN. Well, I thank the gentleman for making the point on competition, and I think that is the question I would ask of the seniors and those that are out there working today and those that are going to be working tomorrow. Would it not make sense to try to fix competition within the industry, improve the quality of our health care and increase the efficiency and accuracy of the system before we go solve the problem?

The question is can we make sure our seniors have available to them the drugs that they need, that will give them effective treatment, and can we do that in a compassionate way so that they are not passing up supper to take a pill or they are not missing a pill to get supper? Can we do that without creating a big government program?

I can tell my colleague that I believe we can. It will not be easy, because we will have to attack our friends. We are going to have to say there is not good competition. We are going to have to go back in and make sure that the branches of government that are involved in assuring competition in the drug industry are there.

That is not to say that the drug companies do not do a wonderful job in their research. And it is not to say that they are not going to be doing an even better job as we have all these genetically engineered drugs that will come about in the next 10 years. But we hear the drug companies say that they will not be able to do this because all these prices are based on the fact that we spend all this money on R&D. Well, the fact is the pharmaceutical industry spends more money on advertising than they do on research. They have a cogent argument as soon as that number on advertising drops significantly below the amount of money that they are spending on research. Until then, they do not have an argument that holds any water.

So our seniors out there tonight that are having trouble getting prescription drugs and affording it, the first thing they need to do is to ask their doctor to make an application for them for the indigent drug program that almost every drug company has. That way they can at least have the drugs.

Number two, they should ask their doctor if in fact there is not a generic drug that could be used that will be almost as effective and that will save a significant amount of money each year.

Number three, they should ask the doctor if he or he is sure that every medicine they are taking they have to be taking. That way we can make sure that the patients are getting medicines that they need today; that the medicines that they are taking are as effective and cost effective as well, and that they truly need them.

That takes care of part of the demand. The other thing they can do is insist that their representatives ask the Justice Department to look aggressively at collusion and anti-competitive practices within the drug industry. They should ask their elected representative to reverse the bill 2 years ago that allowed drug companies to advertise prescription drugs on television. Because we could save at least $2 billion this year, $5 billion next year in terms of the cost of drugs.

Finally, they should ask that their representative not steal one penny from Medicare this year to run the Government. And if in fact we do those things, we can meet the needs of our seniors, we can preserve Medicare and extend its life, and we can assure that our children and our grandchildren are not going to be burdened with another program that is inefficient, underestimated in cost, and really does not solve the underlying problem associated with prescription drugs for our seniors.

I yield to the gentleman from Minnesota for any additional comments.

Mr. GUTKNECHT. Well, I thank the gentleman from Oklahoma (Mr. COBURN).

I would only say that I think what the gentleman is really saying is, and this is really an interesting debate, that at the end of the day it is about fundamental fairness. It is, from a generational perspective, wrong for us to borrow from the next generation.

But it is also wrong for the drug companies to require Americans to pay the lion's share of all the research and development cost as well as footing most of the cost for their profit. And the dirty little secret is that that is what is happening in the world today. We have a world market, but the drug companies have realized that they can get most of their profit, most of their research and development money, from the American market.

Now, I think Americans should pay their fair share of research cost. I think that is important. I agree with the gentleman that I am not certain Americans should have to pay advertising costs. Ultimately, it really should be the decision of the doctor more than being market driven and having almost a pulling effect through the marketplace by advertising, by broadcasting on television, radio, and so forth. I am sure that that is an issue that we need to address.

But I want to come back to just how much more we pay. It is not just us saying this. This is a study done by the Canadian Government. If people forget everything that I have said tonight, remember a couple of numbers. One of the most important numbers is 56. By their own study, the Canadian government says that Americans pay 56 percent more for their prescription drugs than Canadians do.

Now, 56 is important, too, because over the last 4 years prescription drugs in the United States have gone up 56 percent, 16 percent just in the last year. One of the biggest driving costs in terms of the cost of insurance over the last several years has been the increasing cost of prescription drugs.

Now, again, that is important. We need prescription drugs. We need to make certain that we are doing what we can so that the next generation of drugs can come online. I believe in research, and I believe part of the reason we enjoy the high standard of living that we do in America today is because of the research that has been done in the past. So we do not want to cut that. We do not want to create a new bureaucracy. But we also do not want to steal from our kids, and we do not want to ''solve this problem'' by creating a whole new entitlement.

Here is another fact. Last year, according to the Congressional Budget Office, we, the American people, we the taxpayers, the Federal Government, spent over $15 billion on prescription drugs. Now, that is through Medicare, Medicaid, the VA, and other Federal agencies.

Mr. COBURN. Let me clarify that for a minute, because I want to be sure all our colleagues understand that. That is Federal payments for prescription drugs.

Mr. GUTKNECHT. Just Federal payments. Now, there is a match with Medicaid, there is a match with some of the other programs, and of course in some of those cases the individuals themselves had some kind of a copayment. But that is what the Federal Government spent for prescription drugs last year, according to the Congressional Budget Office.

Now, virtually every study I have seen, independent studies, say that Americans are paying at least 40 percent more than the world market price for those drugs. Now, I am not good at math, and I demonstrated that this morning; But let us say 30 percent. Let us say we are already getting some discounts. And I suspect we are. I do not think we are paying full retail at the Federal level for our prescription drugs. So let us say we are getting some discounts. But let us just say we could bring our prices somewhere near the world average price for these same drugs. If we could save 30 percent times $15 billion, that is over $4 billion.

That would go a long ways to solving our problem, to making certain that people on Medicare all have the opportunity to get the drugs that they need and, again, that they do not have to make the choice that the gentleman talked about earlier. They do not have to choose between eating supper on Friday or taking the drugs they need, not only to preserve their health but to preserve their quality of life. Because drugs are important in that regard. It is not just about extending our life, it is about improving the quality of our life.

And drugs are wonderful things. And I certainly do not want to take anything away from the pharmaceutical companies. But as I say, I do not think we should be required to pay more than our fair share of the cost of developing those drugs, of making those drugs, of getting those drugs approved, and then plowing more money back into the next generation.

So I think we are on the same page. I just want to finally say this. This is a matter of basic fairness. As I said earlier, I do not think we should allow our own FDA to stand between American consumers and more reasonable drug prices, because that is what is happening today.

Finally, not hearing most of the discussion from our friends that spoke before us, this is not a debate between the right versus the left. It is not even a debate between Republicans versus Democrats. This is really a debate about right versus wrong. And it is simply wrong for us to shovel billions of more dollars into an industry who right now is charging Americans billions of dollars more than they would normally pay in terms of a world market price.

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The answer is not to steal more from our kids to give more money to the big pharmaceutical companies. The answer is coming up with a market-based system that allows some kind of competitive forces to control the price of the drugs and therein creating the kinds of savings which will make it much easier for us and for those seniors to get the drugs that they need.

And so, my colleague is absolutely right, this is not an unsolvable problem. If we will work together, if we will listen to each other, if we will be willing to tackle some of those tough problems, and if we are willing to take on some of the entrenched bureaucracies, whether it is at the FDA or the large pharmaceutical company, the Department of Justice, and even some of our friends in the medical practice, if we are willing to ask the tough questions, force them to have to work with us to find those answers, this is a very solvable problem.

I just hope we do not make the mistake of creating a new expensive bureaucracy, a new expensive entitlement and, at the very time we ought to be doing more to control the prices of prescription drugs, have the net practical effects of driving them even higher. That would be a terrible mistake not just for this generation but for the next, as well.

Mr. COBURN. Mr. Speaker, I thank the gentleman for his comments.

In closing, the next time my colleagues hear a politician from Washington talk about prescription drugs, ask themselves why they are not treating the pneumonia that this industry has, ask themselves why they are not saying there needs to be competition in drugs, ask themselves why they are not saying the FDA needs to be approving more generics, ask themselves why they are not speaking about the underlying problems associated with delivery of health care and medicines to our seniors instead of creating a new program which our children will pay for but, most importantly, will be twice as expensive as what it should be because we have not fixed the underlying problems.

I want to leave my colleagues with one last story. I recently had one of my senior patients who had a stroke. She was very fortunate in that she had no residuals. But the studies of her carotid arteries proved that she had to be on a medicine to keep her blood from clotting.

One of my consulting doctors wanted to put her on a medicine called Plavix. It is a great drug. It is a very effective drug. The only problem is it costs over $200 a month. The alternative drug that does just as well but has a few more risks, which she had taken before in the past, is Coumadin.

Now, the difference in cost per month is 15-fold. I could have very easily written her a prescription for Plavix. She would have walked out of the hospital, not been able to afford the Plavix, and had another stroke, or I could have done the hard work and said, this is going to do 95 percent of it. It is going to be beneficial. It has a few risks. Here is what this costs. What do you think? She chose to take the Coumadin because that gives her some ability to have some control of her life.

So these are complex problems; and I do not mean to oversimplify them, and I do not mean to derange either the physicians, the patients, or the drug companies, other than to say that our whole economy is based on a competitive model and, when there is no competition, there is price gouging.

Today I honestly believe in the drug industry there is price gouging. We need to fix it, and we need to fix that before we design any Medicare benefit to supply seniors with drugs, especially since there are free programs out there that are not being utilized that are offered by the drug companies.

DIFFERENCES IN APPLICABILITY OF WATER USAGE IN WEST AS COMPARED TO EAST

The SPEAKER pro tempore (Mr. WALDEN of Oregon).

Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, this evening in my night-side chat I would like to take the opportunity really to talk about three subjects.

The first subject is the subject that is very important to all of us, obviously. It is the only way that we can survive. But in the West there is a lot of differences on the applicability of it as compared to the East. And that is water.

The second issue that I would like to talk about tonight is also a doctrine that has particular specifics in regards to the West. It is called the Doctrine of Multiple Use.

The third subject I hope I get an opportunity this evening to talk about is on the issue of education.

Mr. Speaker, it seems, as my colleagues know, last evening I spoke about education. I spoke about discipline in the classroom. I spoke about the fact that we need to assist our teachers out there by having some consequences of misbehavior in the classroom. And apparently I hit a soft spot with some people because I heard from some people overnight say, how dare you talk about discipline in the classroom.

I could not believe it. Some of these people were very antagonistic. I am pleased to say I did not get many letters out of the West. I got them out of the East. And I am sure I got them, in my opinion, from some pretty liberal people that, for some reason, think that we should follow political correctness when we talk about classroom discipline, that, for some reason, classroom discipline really is not a problem in today's school system. So I hope I have an opportunity to come back to that subject because it is something I believe very firmly in.

Education is so fundamental for the survivability of this country. It is so fundamental for our country to remain the superpower in this world that we have to give it all of the attention that we can give to it. But it also means that we have got to be ready to face the music. And when we have problems with discipline in our school system, sometimes we cannot be politically correct. Sometimes we have got to go right directly to the problem. I hope we have an opportunity to talk about that.

But let us talk and begin, first of all, by talking about water. Water in the West is very critical. One of the concerns I have is here in the East. In fact, when I came to the East for the first time, I was amazed at the amount of rain that we get in the East. In the West, we are in a very arid region, and we do not have that kind of rainfall. It does not rain in the western United States like it rains in the eastern United States. As a result of that, we have different problems that we deal with in regards to water.

My district is the Third Congressional District of Colorado, as my colleagues know. It is a mountain district. The district actually geographically is larger than the State of Florida. And if any of my colleagues here have ever skied in Colorado, if they have ever gone into the 14,000-foot mountains, with the exception of Pike's Peak, they are in my district in Colorado.

Water is very critical, as it is everywhere else. But we are going to talk about some of the different aspects of water, about the spring runoff, about water storage, about water law in general, about how we came about to preserve and to store our water through water storage projects.

But let us begin I think with an appropriate quote from a gentleman named Thomas Hornsberry Ferrell. He said, speaking about Colorado, ''Here is a land where life is written in water. The West is where water was and is father and son of an old mother and daughter following rivers up immensities of range and desert, thirsting the sundown, ever crossing the hill to climb still drier, naming tonight a city by some river a different name from last night's camping fire. Look to the green within the mountain cup. Look to the prairie parched for water. Look to the sun that pulls the oceans up. Look to the cloud that gives the oceans back. Look to your heart, and may your wisdom grow to the power of lightning and the peace of snow.''

Let us say a few basic facts so that we understand really some fundamental things about water. First of all, I have got a chart and I know it is somewhat small, but I hope that my colleagues are able to see it. Let me go through it. It talks about water usage. It is very interesting, very few people realize how much water it takes for life to exist, how much water it takes to feed a person three meals a day, how much water it takes to feed a city, for example, their drinking water or their cleaning water or their water for industrial purposes. But this chart kind of gives us an idea.

The chart is called ''water usage.'' I would direct the attention of my colleagues to my left to the chart. Americans are fortunate, we can turn on the faucet and get all the clean, fresh water we need. Many of us take water for granted.

Have my colleagues ever wondered how much water we use every day? This is direct usage of water on a daily basis, our drinking and our cooking water. Now, this is per person. Our drinking and our cooking water, two gallons of water a day. Flushing of our toilets on a daily basis, five to seven gallons per flush. That is on an average. We now have some toilets that have reduced that usage somewhat. Washing machines, 20 gallons per load. Now, remember, this is daily. Twenty gallons per load. Dishwasher, 25 gallons every time we turn on that dishwasher. Taking a shower, 7.9 gallons per minute. In essence, eight gallons every minute a person is in the shower. Eight gallons of water.

Now, growing foods takes the most consumption of water. As I said earlier, water is the only natural resource that is renewable. But in our foods, growing foods, the actual agriculture out there is the largest consumer of water in the Nation. And here is why growing foods takes the most water.

One loaf of bread takes 150 gallons of water. From the time they till the field, to watering the field, to harvest the wheat, to take care of the industrial production of the bread, to actually have the bread mix made and have it delivered, 150 gallons of water for one loaf of bread.

One egg. To produce one egg through the agriculture market, it takes 120 gallons of water. One quart of milk, 223 gallons of water. One pound of tomatoes. One pound of tomatoes takes 125 gallons of water. One pound of oranges, 47 gallons of water. One pound of potatoes, 23 gallons of water. Those are pretty startling statistics.

We go down a little further. Did my colleagues know it takes more than a thousand gallons of water a day to produce three balanced meals for one person? So, in one day, for one person to have three balanced meals, when we total up all the water necessary to provide for that, it is a thousand gallons of water a day.

What happens to 50 glasses of water? On the chart here on my left that I direct my colleagues to, we have 50 glasses of water. Forty-four glasses of water are used for agriculture. Two glasses are used by the cities for domestic water. And a half a glass is used for rural housing. But we can see, out of the 50, 44 glasses of water are used just for agriculture.

Now, there is some very interesting things about water in the world. Keep in mind these statistics. Ninety-seven percent of the water supply in this world is salt water. And today's technology, although we have a very expensive process for desalinization of plants, essentially, we really do not have an economical process to take salt water and convert it to drinking water. Ninety-seven percent of the water in the world today is salt water. Of the remaining three percent, we have three percent left, 75 percent of that remaining three percent is water tied up in the ice caps. Of all the water we have, only .05 percent of that water is in our streams and in our lakes. So it gives us an idea of the challenge that we face.

Now, in the United States, when we take a look at what is the lay of the water, we find that 73 percent of the stream flow in the United States is claimed by States east of the line drawn north to southeast of Kansas.

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So 73 percent of the water in the United States lies in this part of the Nation. Now, when we take a look at the Pacific Northwest, in the Pacific Northwest there is about 12 percent of the water. Over here we have 73 percent of the water essentially in the East. Up in the Pacific Northwest, we have about 12, 13 percent of the water. The balance of the water which is about 14 percent, is water that is shared by 14 States in the West. This is the arid region of the United States, those 14 States. They include States like Colorado, Wyoming, New Mexico, Utah, Arizona, Colorado, Nevada. Those are the dry States in our country.

Now, Colorado is the highest State in the Nation. In fact, the Third Congressional District which I represent in Colorado is the highest congressional district in the Nation. So as a result of that, we have a lot of variance over, say, a lower elevation. For example, our evaporation. We have about an 85 percent factor of evaporation at that kind of altitude; and we have a lot of water, as Members know. We have a lot of snow that comes down, but we have to deal with evaporation at a very high percentage.

When we talk about Colorado, what I am going to do instead of talking about all of the States of the West, I thought I would focus specifically, obviously, on the area I know the best, and that is Colorado. Let us talk about the characteristics of Colorado and the different problems and issues that we deal with water in Colorado.

On average in Colorado, we get about 16, 16½ inches of water every year. We do not have much rainfall. If Members have been out to the mountains of Colorado, which as I said earlier is the district that I represent, they know that in the springtime and throughout the summer we have rains, but those rains are very brief. Our typical rainstorm comes in, lasts 20 minutes, and it goes away, comes back the next day and generally in the mountains.

Out in the plains we may not see it for a long time. We do not have heavy rains as you do here in the East. But we have a lot of variances. For example, in my particular district, in the region of the mountains, we have 80 percent of the water. Eighty percent of the population in Colorado lives outside those mountains, in cities like Denver and Colorado Springs and Fort Collins and Pueblo. Now, in Colorado because we do not have much rainfall, we depend very heavily on the snows during the wintertime and for a period of about 60 to 90 days called the spring runoff when the snow melts off our highest peaks and comes down, for that period of time we have all the water we can handle. But after that period of time in Colorado, if we do not have the capability to store our water, to dam our water, we lose the opportunity to utilize that water.

Now, the rivers and streams throughout this Nation have a lot of history to them. When we take a look at the frontiersmen that went out into the West, for example, to settle the West, remember the old saying, go West, young man, go West. When we take a look at it through these wilderness areas, and everything was wilderness in the West, really your path, your highway through the wilderness were the rivers and the streams. It is where life really centered around, the communities were built around it, the trappers. The trappers trapped by the rivers and the streams. Even the miners and the minerals when they discovered minerals in the Rocky Mountains of Colorado, for example, it centered around streams. That is why when you go through Colorado, most of your communities are built there near the streams.

But what is unique about Colorado is we are the only State in the union where all of our free-flowing water goes out of the State. Colorado is the only State in the union that has no free-flowing water coming into the State that we are able to utilize. So as you can guess, as they say, water runs thicker than blood in Colorado and that applies to the other mountain States and the West in general.

Now, Colorado is called the mother of rivers. Why? Because we have four major rivers that have their headwaters in the State of Colorado. We have the Colorado River, and I will come back to the Colorado River in a moment. We have the South Platte River, and the South Platte River drains the most populous section of the State and serves the area with the greatest concentration of irrigated agricultural lands in Colorado. That is the South Platte.

We have the Arkansas River. That begins up near Ledville, Colorado. It flows south and then east through southern Colorado and then down towards the Kansas border. We also have the Rio Grande River. That Rio Grande drainage basin is located in south central Colorado. It is comparatively small compared to the other rivers and has less than 10 percent of the State's land area in it.

Let us talk about the Colorado River. That is a very important river for the entire Nation. Twenty-five million people get their drinking water out of the Colorado River. The Colorado River drains over one-third of the State's area. And although only about 20 percent of the Colorado River basin exists in the State of Colorado, the State of Colorado puts about 75 percent of the water into that basin.

The Colorado River provides a lot of things besides water. It provides clean hydropower, for example. Just out of the Colorado River alone, we irrigate over 2 million acres of agricultural land throughout that river basin. Now, the river is very unique. As Members know as I described earlier in the West, everybody is trying to grab for water. And so as a result of that, there are a lot of what we call ''compacts.'' They are in essence treaties, how do we agree how the water is going to be shared.

And, of course, we also have to remember there are some basic things about water. Remember I said earlier that water is the only natural resource that renews itself. In other words, what logically follows is one person's water waste could be another person's water. For example, some people have said in Colorado, why don't you go and line your ditches, let's put concrete on the bottom of your ditches and therefore you avoid seepage; the water doesn't seep out of the ditch. Well, you have to be careful about that because that water seepage may be the very water that provides water for the spring or the well or the aquifer many, many miles away.

Someday technologically, I hope in our lifetime, we will be able to pull up on a computer screen the map, the water map as, for example, in the State of Colorado where all of those little fingers of water, where they all begin, where they all move, how they move, at what speed they move, and what kind of cleansing process they go through. It is very interesting if you really want to get into it.

But water on its face is a pretty tough product to sell an interest in. Why? I do not mean property interest. I mean, people do not worry much about water as long as they turn on the faucet and the water is there, number one, and, number two, the water is clean. Therefore, it is an obligation of the leaders of our country, leaders such as you and myself, it is our obligation to assure that we have quantity of water and that we have clean water for the future.

Let us go back to the Colorado River basin for a moment. The Colorado River basin really has compacts on it, and because the Colorado River goes down throughout and actually ends up in the Gulf of Mexico, the Colorado River really goes to Mexico, ends up in the Gulf of Mexico, we have several compacts. The major compact, the Colorado River compact, is between the upper basin States and the lower basin States. The upper basin States, for example, would be Colorado, Utah, New Mexico. Lower basin States would be like Arizona, California, Nevada. And we have an agreement on the Colorado River on this Colorado River compact which says that the upper basin States and the lower basin States are each entitled to 7½ million acre/feet per year. An acre/foot is enough to feed a family of four. It would be about a foot of water over a football field, enough water that should feed a family of four for a year. 7½ million acre/feet per year is how that is divided.

I am going to get into a little more about that, but first of all let us talk a little about Colorado water law. I am just going to summarize and give some very basics to it, Mr. Speaker, because the law here in the East is really based on the riparian doctrine. Our doctrine is based on what is called the Colorado doctrine in the State of Colorado. The history of the doctrine came about in the California gold rush days, when all of a sudden we had a lot of settlers going out to the mountains about 1849. And because the water in Colorado, because of the aridness of the Colorado, we came up with the doctrine that no matter how far away you are from the river, our doctrine is first in use, first in rights. So the first one to go to the river and use the water, no matter how far away they live from the river, if they are first to use it, they get first right. If they are second to use it, they fall in priority to second place; if they are third to use it, they fall in priority to third place. That is basically known as the doctrine of prior appropriation.

Now, as I said, the eastern States primarily follow the riparian doctrine. Now, the Colorado constitution, in addition to having the doctrine of prior appropriation, also recognizes uses in priority. The highest priority or the preference of water use with the highest priority in Colorado is domestic use for your home, the second use is agricultural use in priority, and the third use is industrial use.

In Colorado, we also have a unique situation. We are pretty proud of this because we are very conscious of the environment out there. Obviously, if you have been out to the district, you have been out to Colorado, you have a deep appreciation of why we are proud of our environment out there, what we have to protect out there. One of the things that we have discovered throughout the years is there is a lot of damage to an environment if you run the creek dry. So what we have done in Colorado is we have appropriated in-stream rights, minimum stream flows over thousands of miles of stream beds so that we guarantee that a minimum amount of water will remain in those streams so that we can mitigate and minimize the environmental impact.

Now, clearly we are always going to have some impact. If you are going to take water out and drink it, you are going to have less water in the stream or in the creek. So you are going to have an impact. We have to have a balance there. We think in Colorado we reach a pretty good balance. Now, clearly we have some people that object to that. We have some people, especially located in the East, things like Ancient Forests and some of the Earth First and some of those type of people, the National Sierra Club, those people that want all of our dams taken down.

In fact, the National Sierra Club, their number one priority is to take down Lake Powell. Lake Powell has more shoreline than the entire Pacific West Coast. Lake Powell is a major power producer, hydropower, clean power. Lake Powell is the major flood control dam we have in the West. Lake Powell is the main family recreational area for many States around it. Now, the only people that would want to take down Lake Powell are people that do not have, in my opinion, a lot of, one, appreciation for the uniqueness of the West and the needs of the West; two, do not have a lot of appreciation for human needs; and, three, frankly maybe they do not care about the needs of the West.

But let us go back to our subject here at hand. We have given a brief outline of the prior appropriation. Now, let us talk about water storage. As I mentioned to you earlier, we just talked a little about Lake Powell, but water storage is critical for us in the West. We have to have these dams. The Federal Government recognized this many years ago. Great governmental leaders like Wayne Aspinall, a Congressman from the State of Colorado, helped authorize these projects. And we had support frankly from Congresspeople, colleagues of ours that preceded us, colleagues from the East, colleagues from across the Nation that recognized that out in the West we had to have water storage.

I hope that many of my colleagues, while tonight you may not be particularly interested in Western water problems, I hope that tonight's comments give you an opportunity that when some questions arise, for example, about Lake Powell or water storage projects, you remember the reason that these were put up. In the West, we did not just go out willy-nilly and say, let's put a dam here and let's put a dam there. That did not happen. There are reasons that those dams are there. There are reasons that we have to store that water. And so I urge my colleagues, as the issues of water and storage of water in the West come in front of you, take a deep look at why those projects were built in the first place, why those projects are important for the West.

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We have a project we are going to talk about this year, the Animas La-Plata project, a very interesting project. I am going to spend a couple minutes with you right now talking about that.

Years ago, when the population in the East and our leaders back here in the East wanted to settle the West, they ran into a number of different problems. One of the problems were the Indians. My gosh, there are people on this land that we want.

Well, the response to it was, we will push them off it. What do we do with them? Essentially what they did when they got to Colorado is they took the Indians and said, look, we are going to shove you into the mountains. We want the plains. We want the large herds of buffalo. We want the agricultural lands out there. So sorry, Indians, there is not room for you. We are going to shove you into the mountains. So they shoved them into the mountains.

Then what happened was they began to discover minerals in the mountains. The white men found there were gold in the streams, in the creeks. There were massive mineral deposits in those mountains. Those mountains all of a sudden became valuable.

So, what did they do? Time for the Indians to move again. They took the Indians and they moved them down to the southwestern part of Colorado, down into the desert. And, mercifully, somebody in the administration or in the leadership back then said, look, there is no water down there. There is not water for those people in those desert lands. We need to provide some water for them.

So that is exactly what they did. The government provided water rights, and promised the Native Americans, the Indians, as they were called back then, promised water rights for their lands.

Well, years ago when the water projects for the West were authorized, the government agreed with the Native Americans to go ahead and help develop those water rights. Those were water rights owned by the Native Americans pursuant to treaty.

So as a part of the development of those water rights so the Native Americans could utilize the water they had been promised, that they had contracted for, in order to help them develop it, they promised certain water storage projects, one of them being the Animas La-Plata.

Then what happened was the government began to stall, so the Native Americans decided to sue the Federal Government in the courts, because, as they said, rightfully so, wait a minute, United States Government, we made a deal in Washington. We made a deal. You gave us these water rights in exchange for our lands. You signed a contract. You made a treaty with us to build our water storage project, yet you continue to delay and delay and delay.

So the best government lawyers came in and advised the government leaders at the time, you are going to lose this case. You need to do what you said you were going to do with the Native Americans. You need to build that project.

So the government went to the Native Americans and said let's settle the case. So they settled it. The Native Americans accepted less than they were entitled to, but they were willing to live with that compromise, because they wanted the wet water. They did not want cash, they did not want trinkets, they wanted wet water, water they could put their hands in and feel the wetness.

Well, lo and behold, pretty soon some environmental organizations started suing, and pretty soon there is an effort to stop the building of the Animas La-Plata water project down in Southwestern Colorado.

Once again, who loses? The Native Americans. So the Native Americans come back again, and once again they make an agreement to get even less than what they got the first time they made the agreement and the second time they made the agreement.

Now what do we see in the last couple of years? Once again the United States is continuing to stall and delay. In fact, there have been proposals by some organizations out there, do not give them any water at all. Let us just pay them with some cash. Give them some trinkets. Give them cash.

They do not want cash, they want their water. Fortunately, I think we have come to agreement with the administration this year to move the Animas La-Plata project into reality. It has taken a lot of effort, and I must compliment my colleague, Senator NIGHTHORSE CAMPBELL. This is a big issue out in the West. A lot of effort has been put into it, and hopefully we can get this storage project in the west put together.

Now, when we speak about water it leads us to another issue that I think is important to understand about the West, and that is the concept of use. If you were ever in Colorado, and there are still a few signs, or actually out in the mountains, out in the West, you still see some of these signs on national lands, and the sign might say, for example, ‘‘Welcome, you are entering the White River National Forest.’’ But underneath that sign is another little sign, and it says ‘‘The land of many uses.’’ ‘‘The land of many uses.’’

Let us talk a little history. What does multiple use mean? Multiple use means exactly what it says, that the lands out there are not intended for one singular use, that the survivability of many different things, of humans, of animal species, of the environment, it depends on a balanced approach on how to use those lands, and the balanced approach is what is called multiple use.

Now, how did multiple use come about and how is it that the Federal land ownership is so massive out in the West and almost minimal, and ‘‘minimal’’ would be a pretty generous description, in the East?

In order to have an accurate reflection of what I am talking about, I have got a map for you here which shows the United States, obviously. You will see, I ask my colleagues to divert their attention over to the map for a moment, if you really go down this line, which is down the Colorado border, down the Wyoming border, down to Montana, you go down that line, through eastern Colorado, clear down and go along the border there over to New Mexico and around the border of Texas, you will see that practically from this point to the east, from that point to the Atlantic Ocean, Federal Government ownership of land is minimal.

Now, you have got some blocks of land out here in the Appalachians, the Catskill Mountains, some down in the Everglades and some up here in the northeastern section. But take a look at the eastern United States and land ownership there by the government, and compare it with land ownership in the West. In the West, as you can see, most of the land is owned by the Federal Government. In fact, in 11 states here in the West, in 11 states, 47 percent of that land is owned by the Federal Government.

Now, remember, that is not all the government owns, because you have state government lands, you have municipal land, you have special district lands. So there is a lot besides that 47 percent. But because of the fact that you have such massive ownership of public lands, or they call it public lands, such massive ownership by the Federal Government, it creates by its own consequence a lot of differences between the West land uses and land uses in the East.

Now, how did this come about? Why did our leaders not many many years ago who preceded us many, many generations ago, why did they not spread this land ownership out throughout the country more evenly?

Here is what happened. In the West, when they were settling the rest of the country, and I say the West, really anything West of, you get out here of New York, of South Carolina, Kentucky, out into this country, they decided in those days ownership of land was not simply just a deed. The fact you owned a deed to the land did not mean a lot out here in the wilderness, out in the wild areas of the country. In fact, back then possession really was nine-tenths of the law. You have heard that quote many time. ‘‘Well, possession is nine-tenths of the law.’’ That is where it came from.

In the early days of the settlement by the white man out here in the West, possession was nine-tenths of the law. So the leaders in the East decided hey, we have got to provide some kind of incentive, we have got to give an incentive for people to move into the West, to settle this land. We have got to get our citizens in possession of that land, the land they had purchased, for example, through the Louisiana purchase. We have got to get people on the land. How do we do it? Because, frankly, life in the city is fairly comfortable. Life in the West is pretty rough. They have to go on horseback, a wagon. It is pretty rough.

Somebody came up with the idea, well, let us do this. Let us tell these settlers that if they go out there, we will give them land. And the American dream has always been to own your own piece of land. Today, for our constituents, the young people, the old people, the middle age people, we all dream of owning our own little piece of land. Ownership of land is American.

So what they said was hey, what stronger incentive can we give to these people to encourage them to become settlers and move to the West than to offer to give them land?

So they said all right, what kind of land should we give? Let us call it, they said, the Homestead Act or any number of other acts, and let us give them 160 or 320 acres. And if they go out and they possess that land and they work that land for a period of time, say 3 years or 5 years, depending on the act, we will let them have the land free. It is their land. It is their land forever.

Well, that worked okay, until you hit the mountains, until you hit the arid areas of the West. When you got into the states like Kansas and Nebraska and Ohio and the Dakotas, you know, you could take 160 acres in that rich farmland of Ohio or Nebraska and you could raise a family on it. That is very fertile ground.

But what was happening was the settlers were coming out here, and all of a sudden they stopped. They were not going into the mountains. Maybe some would go around the mountains and try to find gold in the California area, out here where you do not see much government land ownership in California. They were going around it.

So the problem came back to Washington. Hey, we are doing okay, again referring to this map, doing okay in the eastern United States, everything east, let us say of Denver, Colorado. People are settling, were possessing the land. But where the Colorado Rockies start, from north to south, west, the people are not going in there. What do we do?

The problem came up, well, you know, to raise a family in Nebraska, for example, on the rich fertile land out there, it is 160 acres. To do the equivalent in the Colorado Rockies, for example, and I keep referring to Colorado, obviously other states share the Rockies, so I am really referring to the mountain West, but to do the equivalent in the mountains, instead of 160 acres, you may need 1,600 acres, or 2,000 acres, or 3,000 acres. The leaders in Washington said wow, we cannot give away that kind of land. We cannot go out there and tell people we are going to give thousand and thousands of acres to one person if they go out and live on and work that land. What do we do?

That is where the birth of the concept of multiple use came about. The Federal Government decided the answer to this, to encourage settlers to go out, is, look, the Federal Government will retain ownership. The Federal Government will continue to own these lands out here, but you are going to be allowed to go out there and use them. You can go out there and use them for ranching, you can go out there and use them for minerals. As time went on, you can go out there and use them to build your communities and your towns and later on your cities. Now, today we can use these lands to help protect our environment, to help preserve a lot of these lands.

Multiple use means a lot of things. To give you an idea of what the multiple use concept is and why Federal ownership differs here in the West than in the East, in the East, for example, let us think about it. If you wanted to build something in your local community here in, let us say Kentucky or out here in Illinois or some of these states more towards the East, you wanted to build something, what do you do? You have to get a permit. And if you get a permit, where do you go? You go to your local planning and zoning. You go down to the city hall, or maybe the county offices, and you go to your local planning and zoning.

Well, here in the West, where the Federal Government owns so much land, if we want to build, for example, a water canal, we do not go to our local planning and zoning. We have to have our planning and zoning done in Washington, D.C., 1,500 miles away, in an area where it rains. It does not rain very much in the West.

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It does not rain much in the West. In an area where they have very little Federal ownership of lands, in an area where a lot of people do not even know what the term ''use'' means, yet they are the ones who dictate, they are the ones who dictate our planning and zoning in the West. That is a big difference. That is why we have sensitivities out there in the West. That is why it is important that we protect the concept of multiple use.

Let me read just a couple of things. The Federal government owns, as I said earlier, 47 percent of the land in the 11 public lands States all located in the western United States. In four States, the Federal government owns more than half of the land: In Idaho, in Nevada, in Oregon, and Utah. In Colorado, more than one-third of the land is owned by the Federal government.

Are we dependent on these lands? We are absolutely dependent on these lands. Humans could not live out in the West without the permission of the Federal government to use those lands.

Some would say, well, is that not kind of an exaggerated statement? The fact is that it is not exaggerated at all. Think about it. Take any community in my district. Glenwood Springs, Colorado. If you have not been there, go visit; a beautiful community, my hometown. In Glenwood Springs, or a town more that my colleagues might be acquainted with, Aspen, Colorado, take Aspen, Colorado, every road into Aspen, Colorado, comes across government lands. Every drop of water in Aspen, Colorado, either comes across, originates, or is stored on Federal lands unless it is a spring, and then it still originates somewhere on Federal lands. All of their cable, all of their power lines, all of their transportation needs, their airport, their air corridors, all of that comes across Federal lands.

If we begin to shut down the access across Federal lands, we lock out these communities. Many, many of the communities, not only in my district but throughout the U.S., throughout the West, are locked in by Federal lands.

Now, ''locked in'' is not too harsh a word if we are allowed access to utilize these lands. We take a lot of pride in those lands. That is our birthplace. A lot of us have many, many generations of family history out there. We care about that land. We have worked that land. We know that land.

There are some sensitivities when we deal with people, for example, out of Washington, D.C., some think tank, that thinks they ought to be able to or that they know a little more about the dictates of living in the West, about the issues of these lands.

Multiple use is a very, very important concept for us. That is why we are so ardent in our protection of the right to use these lands. I think this map is a good reflection. Again, I would direct my colleagues to take a look at it.

One thing they will notice down here, it is not in proportion, obviously, is the State of Alaska. I think the State of Alaska is somewhere around 96 percent owned by the government. Ninety-six percent of that land is owned by the government. Think of the impact that that has on the everyday lifestyles of people; of the resources that they use, of the transportation that they use.

So multiple use is a very, very important concept for us, and I hope that my comments tonight have given Members a little idea about this. There are a lots of exciting things that go on in the West in regard to our land use.

Over the last 25 or 30 years, we have recognized the technology that allows us to utilize our lands in such a way that they can become more environmentally friendly. We have figured out how to use water in a more environmentally sensitive form. There is a lot of progressive movement in the West on these lands to help preserve our environment, because many of those communities out there are almost totally dependent on a clean, healthy environment.

If Aspen, Colorado, for example, or Beaver Creek or Telluride or Vail or Glenwood Springs or Durango, if they had a dirty environment, would Members go out to visit it? Of course not. We have lots to lose out there. We have a lot at risk with our environment out there. That is why we take no shame in the positions that we advocate for the protection of our lands out there, for the protection of the water out there.

I hope my colleagues here recognize that. I hope as the different issues come up, whether they relate to Alaska or whether they relate to the western United States, remember, especially if Members are from the East, that the issues are different. The issues will require that we look into the history. They will require that we study the differences of a State without much Federal land and a State with Federal land, that we study how dependent we are on the resources of those Federal lands, and why the doctrine of multiple use is a well-thought-out and now a well-practiced historical use of those lands. Multiple use should be protected.

There are some areas where we have set aside what we call wilderness areas. I am a sponsor of a wilderness called the Spanish Peaks Wilderness. That is my bill passed out of this House. We expect to put a wilderness out there. We have other wilderness. Senator Armstrong, Hank Brown from years ago, they put in the Flat Tops Wilderness bill.

In some of these areas we take away multiple use, but it is a focused, well-thought-out move. It is a move that allows some lands to be set aside as if humans had never touched them. So in some areas we have actually surrendered the doctrine of multiple use for protection, for the maximum possible, with little flexibility, protection.

But before, and I say this to my colleagues, before Members jump on the bandwagon and take a paintbrush and paint in all of this wilderness designation, please understand the impact that it has to the local people, to the people who live off those lands, to the people who depend on those lands. Frankly, anybody that lives in the

West is dependent upon those Federal lands.

EDUCATION

Enough for issues about water and lands. Now I want to move to an issue that is very important to me. It is important to my colleagues here. I want to talk for a few minutes about some areas of education.

I do not know anyone who is anti-education. I find with interest in a political season how political layouts are made saying one person is anti-education. Granted, in this room of 435 Congress people, we have 435 different ideas, and many of them are uniform, but we have 435 different ideas about education: How do we improve education? How do we get the biggest bang for our buck out of education? How do we get the best teachers, the most qualified teachers we can into the field of education? How do we make the profession of teaching one of the highest professions in our country?

There is lots of debate about that, but I have not found anybody on the Democratic side and I certainly have not found anybody on the Republican side that is anti-education.

So I urge my colleagues, as this election year gets into a very heated process very rapidly, that they not buy into that argument that their opponent or somebody else out there is anti-education. I do not know one person, I have never met a person in my political career, I have never met one person that is anti-education. In fact, I have met very few people, I could probably count them on one hand, the people, if I were to ask them the five or ten most important things in our society, that they would not list education among the very top.

We all recognize that education is fundamental for the strength of this country. Now that we all can come to the agreement that we all agree that education is important, let us talk about different subjects.

There are lots of areas we could talk about. We could talk about the budget on education, about how much more money is needed, how do we have accountability for the money, how do we test, what kind of testing, and should we track scores and the money spent, whether the money should be local money, whether the money should be State money, whether the money should be Federal money; and if it is Federal or State money for a local school, what kind of flexibility should be given to the Federal government or the State government to determine what programs are offered in the local school?

We can talk about the issues of sex education in schools: What level do we offer sex education, should we have it in the schools? We can talk about the school facilities. We can talk about bonding issues. There are lots of things in education that many in this room have much more expertise than I do. We could have lengthy discussions about it. There is a lot of money, millions and billions of dollars spent in this country every year to try and figure out how we have a better educational product.

But one of the areas I like to talk about in education is personal responsibility, consequences for behavior that is classified as misbehavior. I think throughout the years, and this is where I got some negative calls, and I would love to have some of those people to debate, Mr. Speaker, who in my opinion seem to think that the discipline, the direction we are going in discipline is the right direction to take.

I do not think it is. I think one of the problems that we have today in turning out a better educational product is responsibility in the classroom. We find responsibility in the classroom not only through accountability of measurement, and whether a student is learning, and the responsibility of a student if they want to participate in the class, they have to do their assignments. But I am talking about classroom discipline.

It is interesting, if we take a look at the discipline problems, and I think there is a book out there called It All Happened in Kindergarten or something like that. I will actually have it next week. But in that particular book, as my memory serves me, if it is correct, they did some comparisons about discipline problems 40 years ago in our classrooms and the discipline problems today in our classrooms.

Part of the difference in those discipline problems, back then, for example, chewing gum was a discipline problem, or talking out of turn, interrupting your teacher, being tardy. Today it is drugs, violence. We go down the list and there is a dramatic difference.

Part of it is the shift in society. Part of it, and we can track it to a lot of different things, the lack of two-parent families, a number of different things. But one of those elements that I think we need to look at is we have got to give our teachers the ability and the tools to have discipline in their classroom.

Not too many years ago I think it was 60 Minutes went in and did a secret filming I think in one of the major cities of a classroom and the discipline, and the frustrated teacher who could not control those students.

Can most teachers control most students? The answer is yes. Are most students responsible young people, young adults? The answer is yes. In the past, were teachers able to have much more control for those few students who became discipline problems? The answer was yes.

Has that authority had handcuffs placed on it? Has that authority been kind of cornered or reduced in today's classroom? The answer is yes. We need to take a serious look at allowing discipline back into the classroom.

Think about it. I have a sister who is a counsellor. Her name is Kathleen. She has spent her career in teaching and she is now a counselor. Several years ago when I was in the State legislature, and in Colorado most of the money provided for schools is provided at the State level, back then about 63 cents out of every dollar of the general fund of the State of Colorado's budget was provided for education, but we consistently heard complaints about, we need more money for education.

We hear it from every department, by the way. The military says it needs more money. In fact, I have never found a department yet throughout my years of public service that says, whoa, we have enough money. We can do the job for what you have given us. We have enough money. So that is a pretty common complaint.

Anyway, back to my sister, Kathy. I asked her one day, I said, Kathy, if I could do one thing politically as a leader, if I could do just one thing to help improve the education product for you as a schoolteacher, what would it be? I expected her to say, we need more money.

She did not say that. She said, if you could do just one thing, allow me to have discipline back in my classroom. Allow me to have discipline back in my classroom.

That is where I really begin. That answer caught me a little off guard. That is where I began to really focus on discipline in the classroom and tolerance in our schools. Clearly, when we speak of tolerance, there are many different applications that that term can have. There are a lot of things that we have taught, good behavior through more tolerance of certain behaviors.

However, we also need to take a look at misbehavior that we are ignoring because it is not politically correct, perhaps, to stand up to it, or you are going to get criticism for drawing a line in the sand and saying, if your behavior crosses that line, you are out of school.

At some point we have to go back and cater to the majority of students, the students that are behaving. I am not talking about ethnic issues and so on, I am talking about the majority of students that behave. We have to meet their needs. Those needs, in my opinion, take a higher priority than a student who on a consistent basis, not a one- or two-time basis where we have correctable attitudes, but on a consistent basis continues to defy the teacher and continues to defy the rules of the classroom.

For example, not too many months ago I saw some film footage, and some of my colleagues may have seen it, where there was a fight in the school and the students were disciplined.

This school board, I wanted to pat each one of them on the back. It is about time somebody stood up to these students and kicked them out of school; good for you. Teach them a lesson. Of course there was a lot of argument and debate about whether this was too harsh a punishment for kicking these students out of school. Then they begin to look into the background of the students, and it was the first time I had ever heard the term ''third year freshman.'' So I asked my sister Kathy, what is a third year freshman?

Oh, a third year freshman, she says, that is somebody who has been in high school for 3 years and has yet to get enough credits to get out of the freshman class.

In this particular case that I was referring to, they had some students there who did not have any credits and had been in school for 2 or 3 years; no credits. Then they went and they took a look and investigated and revealed how many days they had been absent from school, and the fundamental question that came to me was not whether or not they still are in school; the fundamental question came to me is why did you not kick them out earlier? How much time and how much effort and how many resources have you spent taking care of these students who are not willing to accept responsibility, who have behavioral problems that are not able to be corrected on a short-term basis and you have kowtowed to them, so to speak, been politically correct to them, at the expense of the students who are following the rules, at the expense of the students, and it is clearly, clearly the strong majority of students who want to learn, who want to get something out of their education, what is wrong out there?

Well, I can say this, that I think as government officials we need to pledge to our local teachers, to our school administrators that, look, within the bounds, within legitimate bounds, and I can say I think the legitimate bounds have a historical basis, I think we can find them, that within those bounds you are going to receive support from us. It may be that you are having to discipline the most popular kid in the town. We have to promise support to these people. These teachers have tough jobs. These administrators have tough jobs. But we cannot really expect them to stand up to this discipline problem if we, starting on this House Floor, do not back them up. There are times where discipline cannot be politically correct. There are times where discipline can be absolutely correct. In my opinion, if we can get discipline back to the classroom, Mr. Speaker, if we can do something to help our local districts, give them the support and to watch very carefully any legislation we pass out of the U.S. House of Representatives to make sure that we are not infringing on the right for a schoolteacher to have discipline in their classroom, it is worth it. That is how we can get a better product. That is how we can give more opportunities to our students.

As I said earlier, in my opinion education is the most fundamental pillar that we can have that holds this great country together. Now, there are other strong pillars. We have to have a strong military. We have to have a strong economy. We have to have a strong health care delivery system. There are other pillars that help hold this building up but education is one that gets a lot of attention, deserves a lot of attention and it is going to get a lot more attention.

Now teachers, I think, themselves want accountability. I read an article in USA Today, December 1999, and it was issued by the Albert Shanker Institute. They found that teachers support standards. Teachers support accountability. Even in low income neighborhoods, teachers believe that standards and accountability are important.

I think most teachers believe in personal responsibilities. I think most teachers want us to give them the tools that create consequences for misbehavior in the classroom, that allow the teachers to reward good behavior because there are two ways to take care of misbehavior. One is punish the misbehavior and have consequences for the misbehavior and two is to reward the good behavior, take the positive drive.

The study shows that the longer teachers work with standards the happier they are to have them. Accountability measures can include repeating a grade or having to pass a test to graduate. Accountability measures can include discipline in the classroom. For school officials, accountability could come in the form of removing teachers and principals from schools that do not meet those standards.

Seventy-three percent of the teachers and 92 percent of the principals favor the standards movement.

Mr. Speaker, let me just conclude by saying that we all want better education. Let us bring discipline back to the classroom.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 48 minutes p.m.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. KASICH, from the Committee on Rules, submitted a privileged report (Rept. No. 106–577) on 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, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT (H. REPT. 106–577)

The committee of conference on the disagreeing votes of the two Houses on 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

(a) DECLARATION.—Congress declares that the concurrent resolution on the budget for fiscal year 2000 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2001 and that the appropriate budgetary levels for fiscal years 2002 through 2005 are hereby set forth.

(b) TABLE OF CONTENTS.—

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,465,500,000,000.
Fiscal year 2001: $1,503,200,000,000.
Fiscal year 2002: $1,548,000,000,000.
Fiscal year 2003: $1,598,600,000,000.
Fiscal year 2004: $1,652,800,000,000.
Fiscal year 2005: $1,719,800,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: $11,600,000,000.
Fiscal year 2002: $23,400,000,000.
Fiscal year 2003: $30,900,000,000.
Fiscal year 2004: $39,800,000,000.
Fiscal year 2005: $44,300,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,467,300,000.
Fiscal year 2001: $1,467,200,000.
Fiscal year 2002: $1,499,000,000.
Fiscal year 2003: $1,606,600,000.
Fiscal year 2004: $1,661,700,000.
Fiscal year 2005: $1,724,400,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,441,100,000.
Fiscal year 2001: $1,446,000,000.
Fiscal year 2002: $1,466,400,000.
Fiscal year 2003: $1,583,300,000.
Fiscal year 2004: $1,637,100,000.
Fiscal year 2005: $1,700,500,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $24,400,000,000.
Fiscal year 2001: $57,200,000,000.
Fiscal year 2002: $81,600,000,000.
Fiscal year 2003: $15,300,000,000.
Fiscal year 2004: $15,700,000,000.
Fiscal year 2005: $19,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,628,300,000,000.
Fiscal year 2001: $5,663,500,000,000.
Fiscal year 2002: $5,678,700,000,000.
Fiscal year 2003: $5,770,200,000,000.
Fiscal year 2004: $5,856,300,000,000.
Fiscal year 2005: $5,936,900,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,458,300,000,000.
Fiscal year 2001: $3,253,000,000,000.
Fiscal year 2002: $2,999,100,000,000.
Fiscal year 2003: $2,804,100,000,000.
Fiscal year 2004: $2,594,500,000,000.
Fiscal year 2005: $2,363,000,000,000.

(7) SOCIAL SECURITY.—

(A) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $479,600,000,000.
Fiscal year 2001: $501,500,000,000.
Fiscal year 2002: $524,900,000,000.
Fiscal year 2003: $547,200,000,000.
Fiscal year 2004: $569,900,000,000.
Fiscal year 2005: $597,300,000,000.

(B) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $326,500,000,000.
Fiscal year 2001: $336,500,000,000.
Fiscal year 2002: $343,300,000,000.
Fiscal year 2003: $351,700,000,000.
Fiscal year 2004: $361,400,000,000.
Fiscal year 2005: $372,100,000,000.

(C) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2000:
(A) New budget authority, $3,200,000,000.
(B) Outlays, $3,200,000,000.
Fiscal year 2001:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,300,000,000.
Fiscal year 2002:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,400,000,000.
Fiscal year 2003:
(A) New budget authority, $3,500,000,000.
(B) Outlays, $3,400,000,000.
Fiscal year 2004:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $3,500,000,000.
Fiscal year 2005:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $3,600,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2005 for each major functional category are:

(1) National Defense (050):

Fiscal year 2000:
(A) New budget authority, $291,600,000,000.
(B) Outlays, $288,100,000,000.
Fiscal year 2001:
(A) New budget authority, $309,900,000,000.
(B) Outlays, $296,700,000,000.
Fiscal year 2002:
(A) New budget authority, $309,200,000,000.
(B) Outlays, $303,200,000,000.
Fiscal year 2003:
(A) New budget authority, $315,600,000,000.
(B) Outlays, $309,800,000,000.
Fiscal year 2004:
(A) New budget authority, $323,400,000,000.
(B) Outlays, $317,900,000,000.
Fiscal year 2005:
(A) New budget authority, $331,700,000,000.
(B) Outlays, $328,300,000,000.
(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $16,000,000,000.
Fiscal year 2001:
(A) New budget authority, $19,800,000,000.
(B) Outlays, $18,300,000,000.
Fiscal year 2002:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2003:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $16,900,000,000.
Fiscal year 2004:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $16,500,000,000.
Fiscal year 2005:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $16,400,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,400,000,000.
Fiscal year 2001:
(A) New budget authority, $20,300,000,000.
(B) Outlays, $19,400,000,000.
Fiscal year 2002:
(A) New budget authority, $20,400,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2003:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2004:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $20,200,000,000.
Fiscal year 2005:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $20,500,000,000.
(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $1,100,000,000.
(B) Outlays, −$600,000,000.
Fiscal year 2001:
(A) New budget authority, $1,300,000,000.
(B) Outlays, $0.
Fiscal year 2002:
(A) New budget authority, $200,000,000.
(B) Outlays, −$900,000,000.
Fiscal year 2003:
(A) New budget authority, $900,000,000.
(B) Outlays, −$400,000,000.
Fiscal year 2004:
(A) New budget authority, $800,000,000.
(B) Outlays, −$500,000,000.
Fiscal year 2005:
(A) New budget authority, $800,000,000.
(B) Outlays, −$500,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $24,200,000,000.
Fiscal year 2001:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $25,000,000,000.
Fiscal year 2002:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $25,200,000,000.
Fiscal year 2003:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $25,300,000,000.
Fiscal year 2004:
(A) New budget authority, $25,300,000,000.
(B) Outlays, $25,200,000,000.
Fiscal year 2005:
(A) New budget authority, $25,300,000,000.
(B) Outlays, $25,100,000,000.
(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $35,300,000,000.
(B) Outlays, $33,900,000,000.
Fiscal year 2001:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $18,700,000,000.
Fiscal year 2002:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $16,800,000,000.
Fiscal year 2003:
(A) New budget authority, $17,600,000,000.
(B) Outlays, $16,000,000,000.
Fiscal year 2004:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $15,500,000,000.
Fiscal year 2005:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $14,200,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $3,100,000,000.
Fiscal year 2001:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $2,200,000,000.
Fiscal year 2002:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $4,900,000,000.
Fiscal year 2003:
(A) New budget authority, $9,400,000,000.
Outlays, $4,700,000,000.
Fiscal year 2004:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2005:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $9,500,000,000.
(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $54,400,000,000.
(B) Outlays, $46,700,000,000.
Fiscal year 2001:
(A) New budget authority, $59,300,000,000.
(B) Outlays, $50,500,000,000.
Fiscal year 2002:
(A) New budget authority, $57,400,000,000.
(B) Outlays, $53,000,000,000.
Fiscal year 2003:
(A) New budget authority, $58,900,000,000.
(B) Outlays, $55,200,000,000.
Fiscal year 2004:
(A) New budget authority, $59,000,000,000.
(B) Outlays, $55,600,000,000.
Fiscal year 2005:
(A) New budget authority, $59,000,000,000.
(B) Outlays, $55,700,000,000.
(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $11,300,000,000.
(B) Outlays, $10,700,000,000.
Fiscal year 2001:
(A) New budget authority, $9,300,000,000.
(B) Outlays, $10,700,000,000.
Fiscal year 2002:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2003:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $8,600,000,000.
Fiscal year 2004:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,100,000,000.
Fiscal year 2005:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $7,600,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2000:
(A) New budget authority, $57,700,000,000.
(B) Outlays, $61,900,000,000.
Fiscal year 2001:
(A) New budget authority, $72,600,000,000.
(B) Outlays, $68,700,000,000.
Fiscal year 2002:
(A) New budget authority, $74,700,000,000.
(B) Outlays, $72,200,000,000.
Fiscal year 2003:
(A) New budget authority, $75,700,000,000.
(B) Outlays, $74,200,000,000.
Fiscal year 2004:
(A) New budget authority, $76,700,000,000.
(B) Outlays, $74,900,000,000.
Fiscal year 2005:
(A) New budget authority, $78,300,000,000.
(B) Outlays, $75,900,000,000.
(11) Health (550):
Fiscal year 2000:
(A) New budget authority, $159,200,000,000.
(B) Outlays, $153,500,000,000.
Fiscal year 2001:
(A) New budget authority, $169,600,000,000.
(B) Outlays, $165,900,000,000.
Fiscal year 2002:
(A) New budget authority, $179,300,000,000.
(B) Outlays, $177,800,000,000.
Fiscal year 2003:
(A) New budget authority, $191,200,000,000.
(B) Outlays, $190,400,000,000.
Fiscal year 2004:
(A) New budget authority, $205,400,000,000.
(B) Outlays, $204,900,000,000.
Fiscal year 2005:
(A) New budget authority, $221,600,000,000.
(B) Outlays, $220,300,000,000.
(12) Medicare (570):
Fiscal year 2000:
(A) New budget authority, $199,600,000,000.
(B) Outlays, $199,500,000,000.
Fiscal year 2001:
(A) New budget authority, $217,700,000,000.
(B) Outlays, $218,000,000,000.
Fiscal year 2002:
(A) New budget authority, $226,600,000,000.
(B) Outlays, $226,600,000,000.
Fiscal year 2003:
(A) New budget authority, $247,800,000,000.
(B) Outlays, $247,500,000,000.
Fiscal year 2004:
(A) New budget authority, $266,300,000,000.
(B) Outlays, $266,500,000,000.
Fiscal year 2005:
(A) New budget authority, $292,700,000,000.
(B) Outlays, $292,700,000,000.
(13) Income Security (600):
Fiscal year 2000:
(A) New budget authority, $238,900,000,000.
(B) Outlays, $248,100,000,000.
Fiscal year 2001:
(A) New budget authority, $252,300,000,000.
(B) Outlays, $255,000,000,000.
Fiscal year 2002:
(A) New budget authority, $264,200,000,000.
(B) Outlays, $266,000,000,000.
Fiscal year 2003:
(A) New budget authority, $273,700,000,000.
(B) Outlays, $276,100,000,000.
Fiscal year 2004:
(A) New budget authority, $283,500,000,000.
(B) Outlays, $286,000,000,000.
Fiscal year 2005:
(A) New budget authority, $296,100,000,000.
(B) Outlays, $298,800,000,000.
(14) Social Security (650):
Fiscal year 2000:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $11,500,000,000.
Fiscal year 2001:
(A) New budget authority, $9,700,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2002:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,600,000,000.
Fiscal year 2003:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $12,300,000,000.
Fiscal year 2004:
(A) New budget authority, $13,000,000,000.

(B) Outlays, $13,000,000,000.
Fiscal year 2005:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $13,800,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2000:
(A) New budget authority, $46,000,000,000.
(B) Outlays, $45,100,000,000.
Fiscal year 2001:
(A) New budget authority, $47,800,000,000.
(B) Outlays, $47,400,000,000.
Fiscal year 2002:
(A) New budget authority, $49,000,000,000.
(B) Outlays, $48,900,000,000.
Fiscal year 2003:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $50,500,000,000.
Fiscal year 2004:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $51,800,000,000.
Fiscal year 2005:
(A) New budget authority, $55,400,000,000.
(B) Outlays, $55,100,000,000.
(16) Administration of Justice (750):
Fiscal year 2000:
(A) New budget authority, $27,400,000,000.
(B) Outlays, $28,000,000,000.
Fiscal year 2001:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $28,100,000,000.
Fiscal year 2002:
(A) New budget authority, $28,100,000,000.
(B) Outlays, $28,400,000,000.
Fiscal year 2003:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $28,500,000,000.
Fiscal year 2004:
(A) New budget authority, $29,000,000,000.
(B) Outlays, $28,700,000,000.
Fiscal year 2005:
(A) New budget authority, $29,500,000,000.
(B) Outlays, $29,200,000,000.
(17) General Government (800):
Fiscal year 2000:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2001:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $14,300,000,000.
Fiscal year 2002:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,900,000,000.
Fiscal year 2003:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2004:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2005:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,600,000,000.
(18) Net Interest (900):
Fiscal year 2000:
(A) New budget authority, $284,300,000,000.
(B) Outlays, $284,300,000,000.
Fiscal year 2001:
(A) New budget authority, $286,500,000,000.
(B) Outlays, $286,500,000,000.
Fiscal year 2002:
(A) New budget authority, $284,900,000,000.
(B) Outlays, $284,900,000,000.
Fiscal year 2003:
(A) New budget authority, $278,800,000,000.
(B) Outlays, $278,800,000,000.
Fiscal year 2004:
(A) New budget authority, $274,500,000,000.
(B) Outlays, $274,500,000,000.
Fiscal year 2005:
(A) New budget authority, $269,700,000,000.
(B) Outlays, $269,700,000,000.
(19) Allowances (920):
Fiscal year 2000:
(A) New budget authority, −$3,800,000,000.
(B) Outlays, −$11,700,000,000.
Fiscal year 2001:
(A) New budget authority, −$64,700,000,000.
(B) Outlays, −$50,800,000,000.
Fiscal year 2002:
(A) New budget authority, −$60,000,000,000.
(B) Outlays, −$72,300,000,000.
Fiscal year 2003:
(A) New budget authority, −$2,000,000,000.
(B) Outlays, −$4,200,000,000.
Fiscal year 2004:
(A) New budget authority, −$2,700,000,000.
(B) Outlays, −$5,900,000,000.
Fiscal year 2005:
(A) New budget authority, −$3,300,000,000.
(B) Outlays, −$6,200,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2000:
(A) New budget authority, −$34,300,000,000.
(B) Outlays, −$34,300,000,000.
Fiscal year 2001:
(A) New budget authority, −$38,300,000,000.
(B) Outlays, −$38,300,000,000.
Fiscal year 2002:
(A) New budget authority, −$41,300,000,000.
(B) Outlays, −$41,300,000,000.
Fiscal year 2003:
(A) New budget authority, −$40,700,000,000.
(B) Outlays, −$40,700,000,000.
Fiscal year 2004:
(A) New budget authority, −$38,100,000,000.
(B) Outlays, −$38,100,000,000.
Fiscal year 2005:
(A) New budget authority, −$39,200,000,000.
(B) Outlays, −$39,200,000,000.

SEC. 103. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING TAX RELIEF.—The House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than July 14, 2000; and

(2) not later than September 13, 2000,

that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $11,600,000,000 for fiscal year 2001, and $150,000,000,000 for the period of fiscal years 2001 through 2005.

(b) SUBMISSIONS REGARDING DEBT HELD BY THE PUBLIC.—The House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than July 14, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by $7,500,000,000 for fiscal year 2001; and

(2) not later than September 13, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by not more than $19,100,000,000 for fiscal year 2001.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

The Senate Committee on Finance shall report to the Senate a reconciliation bill—

(1) not later than July 14, 2000; and

(2) not later than September 13, 2000,

that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $11,600,000,000 for fiscal year 2001, and $150,000,000,000 for the period of fiscal years 2001 through 2005.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

SEC. 201. LOCK-BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2001, the social security surplus will be $166 billion;

(5) this resolution balances the Federal budget without counting the social security surpluses;

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and

(7) Congress and the President should take such steps as are necessary to ensure that future budgets are balanced excluding the surpluses generated by the social security trust funds.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted in this session of Congress that would enforce the reduction in debt held by the public assumed in this resolution by the imposition of a statutory limit on such debt or other appropriate means.

(c) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this resolution or a concurrent resolution on the budget for fiscal year 2002, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.

(2) DEFICIT LEVELS.—For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974.

(d) EXCEPTION.—Subsection (c)(1) shall not apply if—

(1) the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent; or

(2) a declaration of war is in effect.

(e) SOCIAL SECURITY LOOK-BACK.—If in fiscal year 2001 the social security surplus is used to finance general operations of the Federal Government, an amount equal to the amount used shall be deducted from the available amount of discretionary spending for fiscal year 2002 for purposes of any concurrent resolution on the budget.

(f) WAIVER AND APPEAL.—Subsection (c)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 202. DEBT REDUCTION LOCK-BOX.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any reported bill or joint resolution, or any amendment thereto or conference report thereon, that would cause a surplus for fiscal year 2001 to be less than the level (as adjusted) set forth in section 101(4) for that fiscal year.

(b) SPECIAL RULE.—The level of the surplus for purposes of subsection (a) shall take into account amounts adjusted under section 314(a)(2)(B) or (C) of the Congressional Budget Act of 1974.

SEC. 203. ENHANCED ENFORCEMENT OF BUDGETARY LIMITS.

(a) PROHIBITION ON USE OF DIRECTED SCOREKEEPING.—(1) It shall not be in order in the House to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that contains a directed scorekeeping provision.

(2) As used in this subsection, the term ''directed scorekeeping'' means directing the Congressional Budget Office or the Office of Management and Budget how to estimate any provision providing discretionary new budget authority in a bill or joint resolution making general appropriations for a fiscal year for budgetary enforcement purposes.

(b) PROHIBITION ON USE OF ADVANCE APPROPRIATIONS.—(1) It shall not be in order in the House to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would cause the total level of *discretionary advance appropriations provided for fiscal years after 2001 to exceed $23,500,000,000 (which represents the total level of advance appropriations for fiscal year 2001).*

(2) As used in this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations for fiscal year 2001 that first becomes available for any fiscal year after 2001.

(c) EFFECTIVE DATE.—This section shall cease to have any force or effect on January 1, 2001.

SEC. 204. MECHANISMS FOR STRENGTHENING BUDGETARY INTEGRITY.

(a) DEFINITION.—For purposes of this section, the term ''budget year'' means with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(b) POINT OF ORDER WITH RESPECT TO ADVANCE APPROPRIATIONS.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, motion or conference report that—

(A) provides an appropriation of new budget authority for any fiscal year after the budget year that is in excess of the amounts provided in paragraph (2); and

(B) provides an appropriation of new budget authority for any fiscal year subsequent to the year after the budget year.

(2) LIMITATION ON AMOUNTS.—The total amount, provided in appropriations legislation for the budget year, of appropriations for the subsequent fiscal year shall not exceed $23,500,000,000.

(c) POINT OF ORDER WITH RESPECT TO DELAYED OBLIGATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, resolution, amendment, motion, or conference report that contains an appropriation of new budget authority for any fiscal year which does not become available upon enactment of such legislation or on the first day of that fiscal year (whichever is later).

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to appropriations in the defense category; nor shall it apply to appropriations reoccurring or customary.

(d) WAIVER AND APPEAL.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) PRECATORY AMENDMENTS.—For purposes of interpreting section 305(b)(2) of the Congressional Budget Act of 1974, an amendment is not germane if it contains predominately precatory language.

(h) ADDITIONAL INSTRUCTION.—The Chairman of the Committee on the Budget in the Senate may instruct the Senate Committee on Finance to report legislation to reduce debt held by the public in an amount consistent with section 103.

(i) SUNSET.—Except for subsection (g), this section shall expire effective October 1, 2002.

SEC. 205. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

SEC. 206. MECHANISM FOR IMPLEMENTING INCREASE OF FISCAL YEAR 2001 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) Unless and until the discretionary spending limit for fiscal year 2001 is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(2) The functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2001 as follows:

(A) For the discretionary category: $600,296,000,000 in new budget authority and $592,773,000,000 in outlays.

(B) For the highway category: $26,920,000,000 in outlays.

(C) For the mass transit category: $4,639,000,000 in outlays.

(3) To facilitate the Senate completing its legislative responsibilities for the 106th Congress in a timely fashion, it is imperative that the Senate consider legislation which increases the discretionary spending limit for fiscal year 2001 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS AND OTHER BUDGETARY AGGREGATES AND LEVELS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget of the House or Senate, as applicable, shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 to the appropriate Committee on Appropriations and shall also appropriately adjust all other budgetary aggregates and levels contained in this resolution.

(c) LIMITATION ON ADJUSTMENT.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(2).

SEC. 207. SENATE FIREWALL FOR DEFENSE AND NONDEFENSE SPENDING.

(a) DEFINITION.—In this section, for purposes of enforcement in the Senate for fiscal year 2001, the term ''discretionary spending limit'' means—

(1) for the defense category, $310,819,000,000 in new budget authority and $297,650,000,000 in outlays; and

(2) for the nondefense category, $289,477,000,000 in new budget authority and $327,430,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Committee on Appropriations is made pursuant to section 213 and except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Subtitle B—Reserve Funds

SEC. 211. MECHANISM FOR ADDITIONAL DEBT REDUCTION.

(a) IN GENERAL.—If any of the legislation described in subsection (b) is vetoed (or does not become law) or any legislation described in subsection (b)(1) or (b)(2) does not become law on or before October 1, 2000, then the chairman of the Committee on the Budget of the House or Senate, as applicable, may adjust the levels in this concurrent resolution as provided in subsection (c).

(b) LEGISLATION.—Any adjustment pursuant to subsection (a) shall be made with respect to—

(1) the reconciliation legislation required by section 103(a) or section 104;

(2) the medicare legislation provided for in section 214 or 215; or

(3) any legislation which reduces revenues and is vetoed.

(c) ADJUSTMENTS TO BE MADE.—The adjustment pursuant to subsection (a) shall be—

(1) with respect to the legislation required by section 103(a) or section 104, to decrease the balance displayed on the Senate's pay-as-you-go scorecard and increase the revenue aggregate by the amount set forth in section 103(a) or section 104 (as adjusted, if adjusted, pursuant to section 213) less the amount of any reduction in the current level of revenues which has occurred since the adoption of this concurrent resolution and to decrease the level of debt held by the public

as set forth in section 101(6) by that same amount;

(2) with respect to the legislation provided for in section 214 or section 215, to decrease the balance displayed on the Senate's pay-as-you-go scorecard by the amount set forth in section 214 or section 215 (less the amount of any change in the current level of spending or revenues attributable to section 215) and to decrease the level of debt held by the public as set forth in section 101(6) by that same amount and make the corresponding adjustments to the revenue and spending aggregates and allocations set forth in this resolution; or

(3) with respect to the legislation described by subsection (b)(3), decrease the balance on the Senate's pay-as-you-go scorecard and increase the revenue aggregate for the cost of such legislation and decrease the level of debt held by the public as set forth in section 101(6) by that same amount.

SEC. 212. RESERVE FUND FOR ADDITIONAL TAX RELIEF AND DEBT REDUCTION.

Whenever the Committee on Ways and Means or the Committee on Finance reports any bill, or an amendment thereto is offered or a conference report thereon is submitted, that would cause the level by which Federal revenues should be reduced, as set forth in section 101(1)(B) for such fiscal year or for such period, as adjusted, to be exceeded, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the levels by which Federal revenues should be reduced by the amount exceeding such level resulting from such measure, but not to exceed $1,000,000,000 for fiscal year 2001 and $25,000,000,000 for the period of fiscal years 2001 through 2005 and make all other appropriate conforming adjustments (after taking into account any other bill or joint resolution enacted during this session of the One Hundred Sixth Congress that would cause a reduction in revenues for fiscal year 2001 or the period of fiscal years 2001 through 2005).

SEC. 213. RESERVE FUND FOR ADDITIONAL SURPLUSES.

(a) REPORTING ADDITIONAL SURPLUSES.—If the report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the budget and economic outlook: update (for fiscal years 2001 through 2010) estimates an on-budget surplus for any of fiscal years 2001 through 2005 that exceeds the on-budget surplus set forth in the Congressional Budget Office's March 2000 budget and economic outlook (for fiscal years 2001 through 2010), the chairman of the Committee on the Budget of the House or Senate, as applicable, may make the adjustments as provided in subsection (b).

(b) ADJUSTMENTS.—The chairman of the Committee on the Budget of the House or Senate, as applicable, may make the following adjustments in an amount not to exceed the difference between the on-budget surpluses in the reports referred to in subsection (a):

(1) Reduce the on-budget revenue aggregate by that amount for such fiscal year.

(2) Adjust the instruction in section 103 or 104 to—

(A) increase the reduction in revenues by that amount for fiscal year 2001;

(B) increase the reduction in revenues by the sum of the amounts for the period of fiscal years 2001 through 2005; and

(C) in the House only, increase the amount of debt reduction by that amount for fiscal year 2001.

(3) Adjust such other levels in this resolution, as appropriate and the Senate pay-as-you-go scorecard.

(c) ADDITIONAL DEBT REDUCTION IN THE HOUSE.—If the Congressional Budget Office estimates an on-budget surplus for fiscal year 2000 in excess of the level set forth in this resolution, then the chairman of the Committee on the Budget of the House may—

(1) reduce the levels of the public debt and debt held by the public by the amount of such increased on-budget surplus; and

(2) direct the Committee on Ways and Means to report by a date certain an additional reconciliation bill that reduces debt held by the public by such amount.

SEC. 214. RESERVE FUND FOR MEDICARE IN THE HOUSE.

Whenever the Committee on Ways and Means or Committee on Commerce of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that reforms the medicare program and provides coverage for prescription drugs, the chairman of the Committee on the Budget of the House may increase the aggregates and allocations of new budget authority (and outlays resulting therefrom) by the amount provided by that measure for that purpose, but not to exceed $2,000,000,000 in new budget authority and outlays for fiscal year 2001 and $40,000,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 215. RESERVE FUND FOR MEDICARE IN THE SENATE.

(a) PRESCRIPTION DRUGS.—Whenever the Committee on Finance of the Senate reports a bill or joint resolution or a conference report thereon is submitted, which improves access to prescription drugs for medicare beneficiaries, the chairman of the Committee on the Budget of the Senate may revise committee allocations and other appropriate budgetary levels and limits to accommodate such legislation, provided that such legislation will not reduce the on-budget surplus or increase spending, by more than $20,000,000,000 over the period of fiscal years 2001 through 2005 and will not cause an on-budget deficit in any fiscal year.

(b) MEDICARE REFORM.—Whenever the Committee on Finance of the Senate reports a bill or joint resolution, or a conference report thereon is submitted, which improves the solvency of the medicare program without the use of new subsidies from the general fund and improves access to prescription drugs (or continues access provided pursuant to subsection (a)) for medicare beneficiaries, the chairman of the Committee on the Budget of the Senate may change committee allocations and other appropriate budgetary levels and limits to accommodate such legislation, provided that such legislation will not reduce the on-budget surplus or increase spending by more than $40,000,000,000 (less any amount already provided by the chairman pursuant to subsection (a)) over the period of fiscal years 2001 to 2005 and will not cause an on-budget deficit in any fiscal year.

SEC. 216. RESERVE FUND FOR AGRICULTURE.

If the Committee on Agriculture of the House or the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill on or before June 29, 2000, or an amendment thereto is offered or a conference report thereon is submitted, that provides assistance for producers of program crops and specialty crops, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee for fiscal year 2000 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $5,500,000,000 in new budget authority and outlays for fiscal year 2000 and $1,640,000,000 in new budget authority and outlays for fiscal year 2001.

SEC. 217. RESERVE FUND TO FOSTER THE HEALTH OF CHILDREN WITH DISABILITIES AND THE EMPLOYMENT AND INDEPENDENCE OF THEIR FAMILIES.

If the Committee on Commerce of the House or the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered or a conference report thereon is submitted, that facilitates children with disabilities receiving needed health care at home, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $25,000,000 in new budget authority and outlays for fiscal year 2001 and $150,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005.

SEC. 218. RESERVE FUND FOR MILITARY RETIREE HEALTH CARE.

If the Committee on Armed Services of the House or the Senate reports the Department of Defense authorization legislation to fund improvements to health care programs for military retirees and their dependents in order to fulfill the promises made to them, or an amendment thereto is offered or a conference report thereon is submitted, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $50,000,000 in new budget authority and outlays for fiscal year 2001 and $400,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005 if the enactment of such measure will not cause an on-budget deficit for fiscal year 2001 and the period of fiscal years 2001 through 2005.

SEC. 219. RESERVE FUND FOR CANCER SCREENING AND ENROLLMENT IN SCHIP.

If the Committee on Commerce of the House or the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered or a conference report thereon is submitted, that accelerates enrollment of uninsured children in medicaid or the State Children's Health Insurance Program or provides medicaid coverage for women diagnosed with cervical and breast cancer through the screening program of the Centers for Disease Control, the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $50,000,000 in new budget authority and outlays for fiscal year 2001 and $250,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005.

SEC. 220. RESERVE FUND FOR STABILIZATION OF PAYMENTS TO COUNTIES IN SUPPORT OF EDUCATION.

(a) ADJUSTMENT.—If the Committee on Agriculture and the Committee on Resources of the House or the Committee on Energy and Natural Resources of the Senate reports a bill, or an amendment thereto is offered or a conference report thereon is submitted, that provides additional resources for counties and complies with paragraph (2), the chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $200,000,000 in new budget authority and outlays for fiscal year 2001 and $1,100,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005.

(b) CONDITION.—Legislation complies with this section if it provides for the stabilization of receipt-based payments to counties that support school and road systems and also provides that a portion of those payments would be dedicated toward local investments in Federal lands within the counties.

SEC. 221. TAX REDUCTION RESERVE FUND IN THE SENATE.

In the Senate, the chairman of the Committee on the Budget may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit or decrease the surplus for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

SEC. 222. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

Subtitle C—Miscellaneous Rulemaking Provisions

SEC. 231. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration that are off-budget pursuant to section 13301 of the Budget Enforcement Act of 1990 (even though such amounts are not included in the conference report on any concurrent resolution on the budget pursuant to such section 13301).

(b) In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 232. PROHIBITION ON USE OF FEDERAL RESERVE SURPLUSES.

(a) PURPOSE.—The purpose of this section is to ensure that transfers from nonbudgetary governmental entities, such as the Federal reserve banks, shall not be used to offset increased on-budget spending when such transfers produce no real budgetary or economic effects.

(b) BUDGETARY RULE.—In the Senate, for purposes of points of order under this resolution and the Congressional Budget Act of 1974, provisions contained in any bill, resolution, amendment, motion, or conference report that affects any surplus funds of the Federal reserve banks shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

SEC. 233. REAFFIRMING THE PROHIBITION ON THE USE OF TAX INCREASES FOR DISCRETIONARY SPENDING.

(a) PURPOSE.—The purpose of this section is to reaffirm Congress' belief that the discretionary spending limits should be adhered to and not circumvented by allowing increased taxes to offset discretionary spending.

(b) RESTATEMENT OF BUDGETARY RULE.—For purposes of points of order under this resolution and the Congressional Budget Act of 1974, provisions contained in an appropriations bill (or an amendment thereto or a conference report thereon) resulting in increased revenues shall continue to not be scored with respect to the level of budget authority or outlays contained in such legislation.

SEC. 234. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of Congress Provisions

SEC. 301. SENSE OF CONGRESS ON GRADUATE MEDICAL EDUCATION.

It is the sense of Congress that funding for graduate medical education for children's hospitals is a high priority in this resolution.

SEC. 302. SENSE OF CONGRESS ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) FINDINGS.—Congress finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) a partnership with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(5) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should enact legislation that would consolidate 31 Federal K–12 education programs; and

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education are spent for our children in their classrooms.

Subtitle B—Sense of House Provisions

SEC. 311. SENSE OF THE HOUSE ON WASTE, FRAUD, AND ABUSE.

(a) FINDINGS.—The House finds that—

(1) while the budget may be in balance, it continues to be ridden with waste, fraud, and abuse;

(2) just last month, auditors documented more than $19,000,000,000 in improper payments each year by such agencies as the Agency of International Development, the Internal Revenue Service, the Social Security Administration, and the Department of Defense;

(3) the General Accounting Office (GAO) recently reported that the financial management practices of some Federal agencies are so poor that it is unable to determine the full extent of improper Government payments; and

(4) the GAO now lists a record number of 25 Federal programs that are at ''high risk'' of waste, fraud, and abuse.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Committee on the Budget has created task forces to address this issue and that the President should take immediate steps to reduce waste, fraud, and abuse within the Federal Government and report on such actions to Congress and that any resulting savings should be dedicated to debt reduction and tax relief.

SEC. 312. SENSE OF THE HOUSE REGARDING EMERGENCY SPENDING.

It is the sense of the House that, as part of a comprehensive reform of the budget process, the Committees on the Budget should develop a definition of, and a process for, funding emergencies consistent with the applicable provisions of H.R. 853, the Comprehensive Budget Process Reform Act of 1999, that could be incorporated into the Rules of the House of Representatives and the Standing Rules of the Senate.

SEC. 313. SENSE OF THE HOUSE ON ESTIMATES OF THE IMPACT OF REGULATIONS ON THE PRIVATE SECTOR.

(a) FINDINGS.—The House finds that—

(1) the Federal regulatory system sometimes adversely affects many Americans and businesses by imposing financial burdens with little corresponding public benefit;

(2) currently, Congress has no general mechanism for assessing the financial impact of regulatory activities on the private sector;

(3) Congress is ultimately responsible for making sure agencies act in accordance with congressional intent and, while the executive branch is responsible for promulgating regulations, Congress should curb ineffective regulations by using its oversight and regulatory powers; and

(4) a variety of reforms have been suggested to increase congressional oversight over regulatory activity, including directing the President to prepare an annual accounting statement containing several cost/benefit analyses, recommendations to reform inefficient regulatory programs, and an identification and analysis of duplications and inconsistencies among such programs.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the House should reclaim its role as reformer and take the first step toward curbing inefficient regulatory activity by passing legislation authorizing the Congressional Budget Office to prepare regular estimates on the impact of proposed Federal regulations on the private sector.

SEC. 314. SENSE OF THE HOUSE ON BIENNIAL BUDGETING.

It is the sense of the House that there is a wide range of views on the advisability of biennial budgeting and this issue should be considered only within the context of comprehensive budget process reform.

SEC. 315. SENSE OF THE HOUSE ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) ACCESS TO HEALTH INSURANCE.—

(1) FINDINGS.—The House finds that—

(A) 44.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families will suffer from reduced access to health insurance.

(2) SENSE OF THE HOUSE ON IMPROVING ACCESS TO HEALTH CARE INSURANCE.—It is the sense of the House that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) PRESERVING HOME HEALTH SERVICE FOR ALL MEDICARE BENEFICIARIES.—

(1) FINDINGS.—The House finds that—

(A) the Balanced Budget Act of 1997 reformed medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the medicare, medicaid, and SCHIP Balanced Budget Refinement Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers and delayed the automatic 15 percent payment reduction until after the first year of the implementation of the prospective payment system; and

(C) patients whose care is more extensive and expensive than the typical medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) SENSE OF THE HOUSE ON ACCESS TO HOME HEALTH CARE.—It is the sense of the House that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical medicare patient, including the most ill and infirmed medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the prospective payment system and ensure timely implementation of that system.

SEC. 316. SENSE OF THE HOUSE REGARDING MEDICARE+CHOICE PROGRAMS/REIMBURSEMENT RATES.

It is the sense of the House that the Medicare+Choice regional disparity among reimbursement rates is unfair, and that full funding of the Medicare+Choice program is a priority as Congress considers any medicare reform legislation.

SEC. 317. SENSE OF THE HOUSE ON DIRECTING THE INTERNAL REVENUE SERVICE TO ACCEPT NEGATIVE NUMBERS IN FARM INCOME AVERAGING.

(a) FINDINGS.—The House finds that—

(1) farmers' and ranchers' incomes vary widely from year-to-year due to uncontrollable markets and unpredictable weather;

(2) in the Taxpayer Relief Act of 1997, Congress enacted 3-year farm income averaging to protect agricultural producers from excessive tax rates in profitable years;

(3) last year, the Internal Revenue Service (IRS) proposed final regulations for averaging farm income, which failed to make clear that taxable income in a given year may be a negative number; and

(4) this IRS interpretation can result in farmers paying additional taxes during years in which they experience a loss in income.

(b) SENSE OF THE HOUSE.—It is the sense of the House that legislation should be considered during this session of the 106th Congress to direct the Internal Revenue Service to count any net loss of income in determining the proper rate of taxation.

SEC. 318. SENSE OF THE HOUSE ON THE IMPORTANCE OF THE NATIONAL SCIENCE FOUNDATION.

(a) FINDINGS.—The House finds that—

(1) the year 2000 will mark the 50th Anniversary of the National Science Foundation;

(2) the National Science Foundation is the largest supporter of basic research in the Federal Government;

(3) the National Science Foundation is the second largest supporter of university-based research;

(4) research conducted by the grantees of the National Science Foundation has led to innovations that have dramatically improved the quality of life of all Americans;

(5) grants made by the National Science Foundation have been a crucial factor in the development of important technologies that Americans take for granted, such as lasers, Magnetic Resonance Imaging, Doppler Radar, and the Internet;

(6) because basic research funded by the National Science Foundation is high-risk, cutting edge, fundamental, and may not produce tangible benefits for over a decade, the Federal Government is uniquely suited to support such research; and

(7) the National Science Foundation's focus on peer-reviewed merit based grants represents a model for research agencies across the Federal Government.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the function 250 (Basic Science) levels assume an amount of funding which ensures that the National Science Foundation is a priority in the resolution; and that the National Science Foundation's critical role in funding basic research, which leads to the innovations that assure the Nation's economic future, and cultivate America's intellectual infrastructure, should be recognized.

SEC. 319. SENSE OF THE HOUSE REGARDING SKILLED NURSING FACILITIES.

It is the sense of the House that the Medicare Payment Advisory Commission should continue to carefully monitor the medicare skilled nursing benefit to determine if payment rates are sufficient to provide quality care, and that if reform is recommended, Congress should pass legislation as quickly as possible to assure quality skilled nursing care.

SEC. 320. SENSE OF THE HOUSE ON SPECIAL EDUCATION.

(a) FINDINGS.—The House finds that—

(1) all children deserve a quality education, including children with disabilities;

(2) the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

(3) the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act stretches limited State and local education funds, creating difficulty in providing a quality education to all students, including children with disabilities;

(4) the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education;

(5) the Federal Government has failed to appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individuals with Disabilities Education Act to assist States and localities to educate children with disabilities; and

(6) the levels in function 500 (Education) for fiscal year 2001 assume sufficient discretionary budget authority to accommodate fiscal year 2001 appropriations for IDEA, at least $2,000,000,000 above such funding levels appropriated in fiscal year 2000.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) function 500 (Education) levels assume at least a $2,000,000,000 increase in fiscal year 2001 over the current fiscal year to reflect the commitment of Congress to appropriate 40 percent of the national per pupil expenditure for children with disabilities by a date certain;

(2) Congress and the President should increase fiscal year 2001 funding for programs under the Individuals with Disabilities Education Act by at least $2,000,000,000 above fiscal year 2000 appropriated levels;

(3) Congress and the President should give programs under the Individuals with Disabilities Education Act the highest priority among Federal elementary and secondary education programs by meeting the commitment to fund the maximum State grant allocation for educating children with disabilities under such Act prior to authorizing or appropriating funds for any new education initiative;

(4) Congress and the President may consider, if new or increased funding is authorized or appropriated for any elementary and secondary education initiative that directs funds to local educational agencies, providing the flexibility in such authorization or appropriation necessary to allow local educational agencies the authority to use such funds for programs under the Individuals with Disabilities Education Act; and

(5) if a local educational agency chooses to utilize the authority under section 613(a)(2)(C)(i) of the Individuals with Disabilities Education Act to treat as local funds up to 20 percent of the amount of funds the agency receives under part B of such Act that exceeds the amount it received under that part for the previous fiscal year, then the agency should use those local funds to provide additional funding for any Federal, State, or local education program.

SEC. 321. SENSE OF THE HOUSE REGARDING HCFA DRAFT GUIDELINES.

(a) FINDINGS.—The House finds that—

(1) on February 15, 2000, the Health Care Financing Administration within the Department of Health and Human Services issued a draft Medicaid School-Based Administrative Claiming (MAC) Guide; and

(2) in its introduction, the stated purpose of the draft MAC guide is to provide information for schools, State medicaid agencies, HCFA staff, and other interested parties on the existing requirements for claiming Federal funds under the medicaid program for the costs of administrative activities, such as medicaid outreach, that are performed in the school setting associated with school-based health services programs.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) many school-based health programs provide a broad range of services that are covered by medicaid, affording access to care for children who otherwise might well go without needed services;

(2) such programs also can play a powerful role in identifying and enrolling children who are eligible for medicaid, as well as the State Children's Health Insurance programs;

(3) undue administrative burdens may be placed on school districts and States and deter timely application approval;

(4) the Health Care Financing Administration should substantially revise the current draft MAC guide because it appears to promulgate new rules that place excessive administrative burdens on participating school districts;

(5) the goal of the revised guide should be to encourage the appropriate use of medicaid school-based services without undue administrative burdens; and

(6) the best way to ensure the continued viability of medicaid school-based services is to guarantee that the guidelines are fair and responsible.

SEC. 322. SENSE OF THE HOUSE ON ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—The House finds that—

(1) 33 percent of all American households and 60 percent of African American households have either no financial assets or negative financial assets;

(2) 46.9 percent of children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children;

(3) incentives, including individual development accounts, are tools demonstrating success at empowering low-income workers;

(5) middle and upper income Americans currently benefit from tax incentives for building assets; and

(6) the Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to permanently escape poverty.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the provisions of this resolution assume that Congress should modify the Federal tax law to include Individual Development Account provisions in order to encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 323. SENSE OF THE HOUSE ON THE IMPORTANCE OF SUPPORTING THE NATION'S EMERGENCY FIRST-RESPONDERS.

(a) FINDINGS.—The House finds that—

(1) over 1.2 million men and women work as fire and emergency services personnel in 32,000 fire and emergency medical services departments across the Nation;

(2) over 80 percent of those who serve do so as volunteers;

(3) the Nation's firefighters responded to more than 18 million calls in 1998, including over 1.7 million fires;

(4) an average of 100 firefighters per year lose their lives in the course of their duties; and

(5) the Federal Government has a role in protecting the health and safety of the Nation's fire fighting personnel.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) the Nation's firefighters and emergency services crucial role in preserving and protecting life and property should be recognized, and such Federal assistance as low-interest loan programs, community development block grant reforms, emergency radio spectrum reallocations, and volunteer fire assistance programs, should be considered; and

(2) additional resources should be set aside for such assistance.

SEC. 324. SENSE OF THE HOUSE ON ADDITIONAL HEALTH-RELATED TAX RELIEF.

It is the sense of the House that the reserve fund set forth in section 213 assumes $446,000,000 in fiscal year 2001 and $4,352,000,000 for the period of fiscal years 2001 through 2005 for health-related tax provisions comparable to those contained in H.R. 2990 (as passed by the House).

Subtitle C—Sense of Senate Provisions

TITLE III—SENSE OF THE SENATE PROVISIONS

SEC. 331. SENSE OF THE SENATE SUPPORTING FUNDING LEVELS IN EDUCATIONAL OPPORTUNITIES ACT.

It is the sense of the Senate that the levels in this resolution assume that of the amounts provided for elementary and secondary education within the Budget Function 500 of this resolution for fiscal years 2001 through 2005, such funds shall be appropriated in proportion to and in accordance with the levels authorized in the Educational Opportunities Act, S. 2.

SEC. 332. SENSE OF THE SENATE ON ADDITIONAL BUDGETARY RESOURCES.

It is the sense of the Senate that the levels contained in this resolution assume that—

(1) there are billions of dollars in wasted expenditures in the Federal Government that should be eliminated; and

(2) higher projected budget surpluses arising from reductions in government waste and stronger revenue inflows could be used in the future for additional tax relief or debt reduction.

SEC. 333. SENSE OF THE SENATE ON REGARDING THE INADEQUACY OF THE PAYMENTS FOR SKILLED NURSING CARE.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the Administration should identify areas where they have the authority to make changes to improve quality, including analyzing and fixing the labor component of the skilled nursing facility market basket update factor; and

(2) while Congress deliberates funding structural medicare reform and the addition of a prescription drug benefit, it must maintain the continued viability of the current skilled nursing benefit. Therefore, the committees of jurisdiction should ensure that medicare beneficiaries requiring skilled nursing care have access to that care and that those providers have the resources to meet the expectation for high quality care.

SEC. 334. SENSE OF THE SENATE ON VETERANS' MEDICAL CARE.

It is the sense of the Senate that the levels in this resolution assume an increase of $1,400,000,000 in veterans' medical care appropriations in fiscal year 2001.

SEC. 335. SENSE OF THE SENATE ON IMPACT AID.

It is the sense of the Senate that the levels in this resolution assume that the Impact Aid Program strive to reach the goal that all local educational agencies eligible for Impact Aid receive at a minimum, 40 percent of their maximum payment under sections 8002 and 8003.

SEC. 336. SENSE OF THE SENATE ON TAX SIMPLIFICATION.

It is the sense of the Senate that the levels in this resolution assume that the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year, and the Department of the Treasury is requested to develop a report and alternative proposals on tax simplification by the end of the year.

SEC. 337. SENSE OF THE SENATE ON ANTITRUST ENFORCEMENT BY THE DEPARTMENT OF JUSTICE AND FEDERAL TRADE COMMISSION REGARDING AGRICULTURE MERGERS AND ANTICOMPETITIVE ACTIVITY.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the Antitrust Division and the Bureau of Competition will have adequate resources to enable them to meet their statutory requirements, including those related to reviewing increasingly numerous and complex mergers and investigating and prosecuting anticompetitive business activity; and

(2) these departments will—

(A) dedicate considerable resources to matters and transactions dealing with agri-business antitrust and competition; and

(B) ensure that all vertical and horizontal mergers implicating agriculture and all complaints regarding possible anticompetitive business practices in the agriculture industry will receive extraordinary scrutiny.

SEC. 338. SENSE OF THE SENATE REGARDING FAIR MARKETS FOR AMERICAN FARMERS.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the United States should take steps to increase support for American farmers in order to level the playing field for United States agricultural producers and increase the leverage of the United States in World Trade Organization negotiations on agriculture as long as such support is not trade distorting, and does not otherwise exceed or impair existing Uruguay Round obligations; and

(2) such actions should improve United States farm income and restore the prosperity of rural communities.

SEC. 339. SENSE OF THE SENATE ON WOMEN AND SOCIAL SECURITY REFORM.

It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) social security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their old age;

(3) Congress and the Administration should act, as part of social security reform, to ensure that widows and other poor elderly women receive more adequate benefits that reduce their poverty rates and that women, under whatever approach is taken to reform social security, should receive no lesser a share of overall federally funded retirement benefits than they receive today; and

(4) the sacrifice that women make to care for their family should be recognized during reform of social security and that women should not be penalized by taking an average of 11.5 years out of their careers to care for their family.

SEC. 340. USE OF FALSE CLAIMS ACT IN COMBATTING MEDICARE FRAUD.

It is the sense of the Senate that the levels in this resolution assume that chapter 37 of title 31, United States Code (commonly referred to as the False Claims Act) and the qui tam provisions of that chapter are essential tools in combatting medicare fraud and should not be weakened in any way.

SEC. 341. SENSE OF THE SENATE REGARDING THE NATIONAL GUARD.

It is the sense of the Senate that the levels in the resolution assume that the Department of Defense will give priority to funding the Active Guard/Reserves and Military Technicians at levels authorized by Congress in the fiscal year 2000 Department of Defense authorization bill.

SEC. 342. SENSE OF THE SENATE REGARDING MILITARY READINESS.

It is the sense of the Senate that the functional totals in the budget resolution assume that Congress will protect the Department of Defense's readiness accounts, including spares and repair parts, and operations and maintenance, and use the requested levels as the minimum baseline for fiscal year 2001 authorization and appropriations.

SEC. 343. SENSE OF THE SENATE SUPPORTING FUNDING OF DIGITAL OPPORTUNITY INITIATIVES.

It is the sense of the Senate that the levels in this resolution assume that the Committees on Appropriations and Finance should support efforts that address the digital divide, including tax incentives and funding to—

(1) broaden access to information technologies;

(2) provide workers and teachers with information technology training;

(3) promote innovative online content and software applications that will improve commerce, education, and quality of life; and

(4) help provide information and communications technology to underserved communities.

SEC. 344. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

It is the sense of the Senate that the levels in this resolution assume that funds to improve the justice system will be available as follows:

(1) $665,000,000 for the expanded support of direct Federal enforcement, adjudicative, and correctional-detention activities.

(2) $50,000,000 in additional funds to combat terrorism, including cyber crime.

(3) $41,000,000 in additional funds for construction costs for the Federal Bureau of Prisons and the Federal Law Enforcement Training Center.

(4) $200,000,000 in support of Customs and Immigration and Nationalization Service port of entry officers for the development and implementation of the ACE computer system designed to meet critical trade and border security needs.

(5) Funding is available for the continuation of such programs as: the Byrne Grant Program, Violence Against Women, Juvenile Accountability Block Grants, First Responder Training, Local Law Enforcement Block Grants, Weed and Seed, Violent Offender Incarceration and Truth in Sentencing, State Criminal Alien Assistance Program, Drug Courts, Residential Substance Abuse Treatment, Crime Identification Technologies, Bulletproof Vests, Counterterrorism, Interagency Law Enforcement Coordination.

SEC. 345. SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

It is the sense of the Senate that the levels in this resolution assume that the Federal Government should support State and local educational agencies engaged in comprehensive reform of their public education system and that any public education reform should include at least the following principles:

(1) Every child should begin school ready to learn.

(2) Training and development for principals and teachers should be a priority.

SEC. 346. SENSE OF THE SENATE ON PROVIDING ADEQUATE FUNDING FOR UNITED STATES INTERNATIONAL LEADERSHIP.

It is the sense of the Senate that the levels in this resolution assume that additional budgetary resources should be identified for function 150 to enable successful United States international leadership.

SEC. 347. SENSE OF THE SENATE CONCERNING THE HIV/AIDS CRISIS.

It is the sense of the Senate that—

(1) the functional totals underlying this resolution on the budget assume that Congress has recognized the catastrophic effects of the HIV/AIDS epidemic, particularly in sub-Saharan Africa, and seeks to maximize the effectiveness of the United States' efforts to combat the disease through any necessary authorization or appropriations;

(2) Congress should strengthen ongoing programs which address education and prevention, testing, the care of AIDS orphans, and improving home and community-based care options for those living with AIDS; and

(3) Congress should seek additional or new tools to combat the epidemic, including initiatives to encourage vaccine development and programs aimed at preventing mother-to-child transmission of the disease.

SEC. 348. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES.

It is the sense of the Senate that the levels in this resolution assume that—

(1) the Senate recognizes the funding difficulties faced by tribal colleges and assumes that priority consideration will be provided to them through funding for the Tribally Controlled College and University Act, the 1994 Land Grant Institutions, and title III of the Higher Education Act; and

(2) such priority consideration reflects Congress' intent to continue work toward current statutory Federal funding goals for the tribal colleges.

SEC. 349. SENSE OF THE SENATE TO PROVIDE RELIEF FROM THE MARRIAGE PENALTY.

It is the sense of the Senate that the level in this budget resolution assume that Congress shall—

(1) pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001; and

(2) consider such legislation prior to April 15, 2000.

SEC. 350. SENSE OF THE SENATE ON THE CONTINUED USE OF FEDERAL FUEL TAXES FOR THE CONSTRUCTION AND REHABILITATION OF OUR NATION'S HIGHWAYS, BRIDGES, AND TRANSIT SYSTEMS.

It is the sense of the Senate that the functional totals in this budget resolution do not assume the reduction of any Federal gasoline taxes on either a temporary or permanent basis.

SEC. 351. SENSE OF THE SENATE CONCERNING THE PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES.

It is the sense of the Senate that the budgetary levels in this resolution assume that the cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico should be reduced or eliminated.

SEC. 352. SENSE OF THE SENATE AGAINST FEDERAL FUNDING OF SMOKE SHOPS.

It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet.

SEC. 353. SENSE OF THE SENATE CONCERNING INVESTMENT OF SOCIAL SECURITY TRUST FUNDS.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401), or any interest derived from those contributions, in private financial markets.

SEC. 354. SENSE OF THE SENATE ON MEDICARE PRESCRIPTION DRUGS.

It is the sense of the Senate that the levels in this budget resolution assume that among its reform options, Congress should explore a medicare prescription drug proposal that—

(1) is voluntary;

(2) increases access for all medicare beneficiaries;

(3) is designed to provide meaningful protection and bargaining power for medicare beneficiaries in obtaining prescription drugs;

(4) is affordable for all medicare beneficiaries and for the medicare program;

(5) is administered using private sector entities and competitive purchasing techniques;

(6) is consistent with broader medicare reform;

(7) preserves and protects the financial integrity of the medicare trust funds;

(8) does not increase medicare beneficiary premiums; and

(9) provides a prescription drug benefit as soon as possible.

SEC. 355. SENSE OF THE SENATE CONCERNING FUNDING FOR NEW EDUCATION PROGRAMS.

It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40 percent before Federal funds are appropriated for new education programs.

SEC. 356. SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(3) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

SEC. 357. SENSE OF THE SENATE THAT ANY INCREASE IN THE MINIMUM WAGE SHOULD BE ACCOMPANIED BY TAX RELIEF FOR SMALL BUSINESSES.

It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that the minimum wage should be increased as provided for in amendment number 2547, the Domenici and others amendment to S. 625, the Bankruptcy Reform legislation.

SEC. 358. SENSE OF CONGRESS REGARDING FUNDING FOR THE PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

It is the sense of Congress that the levels of funding for the defense category in this resolution—

(1) assume that members of the Armed Forces are to be authorized to participate in the Thrift Savings Plan; and

(2) provide the $980,000,000 necessary to offset the reduced tax revenue resulting from that participation through fiscal year 2009.

SEC. 359. SENSE OF THE SENATE CONCERNING UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDERSERVED COMMUNITIES.

It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers; and

(2) appropriations for consolidated health centers should be increased by $150,000,000 in fiscal year 2001 over the amount appropriated for such centers in fiscal year 2000.

And the Senate agree to the same.

JOHN R. KASICH,
SAXBY CHAMBLISS,
CHRISTOPHER SHAYS,
Managers on the Part of the House.

PETE DOMENICI,
CHUCK GRASSLEY,
C.S. BOND,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The conferees intend that to the extent that the legislative text in the conference report is the same as in the House or Senate-passed resolutions, the corresponding sections in the House Report 106–530 and Senate Report 106–251 remain a source of legislative history of the drafters' intent on the concurrent resolution.

DECLARATION

House resolution

The House resolution revises the budgetary levels for fiscal year 2000 and establishes the appropriate levels for fiscal year 2001, and for fiscal years 2002, 2003, 2004, and 2005.

Senate amendment

The Senate resolution revises the budgetary levels for fiscal year 2000 and establishes the appropriate levels for fiscal year 2001, and for fiscal years 2002, 2003, 2004, and 2005.

Conference agreement

The Conference Agreement revises and replaces the budgetary levels for the current year, fiscal year 2000, as established by the report accompanying H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Rept. 106–91); establishes the levels for the budget year, fiscal year 2001; establishes levels and for each of the 4 out-years, fiscal years 2002, 2003, 2004, and 2005.

The authority to revise the current year levels is set forth in section 304 of the Congressional Budget and Impoundment Control Act of 1974 [Budget Act]. These revised levels supersede those established and adjusted pursuant to H. Con. Res. 68 for all purposes under the Budget Act, including to enforce sections 302(f) and 311(a) of the Budget Act with respect to fiscal year 2000.

DISPLAY OF LEVELS AND AMOUNTS

RECOMMENDED LEVELS AND AMOUNTS

The required contents of the concurrent resolution on the budget are set forth in section 301(a) of the Budget Act.

House resolution

The House resolution includes amounts for the following budgetary totals required pursuant to section 301(a) of the Budget Act: totals of new budget authority, outlays, revenue, the levels by which revenues should be reduced, surpluses, and public debt.

Senate amendment

Title I of the Senate amendment contains a provision to focus attention on levels of debt held by the public. Section 101(6) provides advisory debt held by the public levels. These debt held by the public levels reflect the fact that the resolution devotes the entire Social Security surplus to the reduction of debt held by the public.

Section 101(c) shows (for informational purposes only) the level of budget authority and outlays for Social Security administrative expenses. These expenses, as is the case with all expenditures from the Social Security trust funds, are off-budget; however for scoring purposes they are counted against the discretionary spending limits because they are provided annually in appropriations acts.

Conference agreement

Title I of the Conference Agreement includes the amounts required for both the House and Senate by section 301(a) of the Budget Act.

For purposes of enforcement in the Senate of section 311(a)(3) of the Budget Act, the Conference Agreement also includes the unified totals for revenue and outlays for the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds.

The Conference Agreement includes appropriate levels for debt held by the public as were included in the Senate amendment with an amendment modifying the amounts.

HOUSE-PASSED BUDGET RESOLUTION MANDATORY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Mandatory Spending:							
BA	1223.6	1260.1	1289.9	1336.9	1387.6	1446.8	6721.3
O	1168.8	1201.1	1237.1	1282.4	1333.9	1392.7	6447.2
On-budget:							
BA	900.1	927.6	950.6	988.4	1029.8	1077.8	4974.2
O	845.3	868.6	897.7	933.8	976.2	1023.7	4700
Off-budget:							
BA	323.5	332.5	339.4	348.5	357.7	369	1747.1
O	323.5	332.5	339.4	348.5	357.7	369	1747.1
BY FUNCTION							
National Defense (050):							
BA	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
O	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
International Affairs (150):							
BA	−2.2	−0.2	0	0	0	0.2	0
O	−4.6	−4	−3.8	−3.7	−3.5	−3.4	−18.4
General Science, Space, and Technology (250):							
BA	0.1	0.1	0	0	0	0	0.1
O	0.1	0.1	0.1	0	0	0	0.2
Energy (270):							
BA	−1.5	−1.6	−1.9	−1.9	−1.8	−1.9	−9.1
O	−3.6	−2.9	−3.1	−3.2	−3.2	−3.2	−15.6
Natural Resources and Environment (300):							
BA	0.3	0.7	0.7	0.7	0.7	0.7	3.5
O	0.5	0.7	0.7	0.7	0.7	0.6	3.4
Agriculture (350):							
BA	31.2	14.6	14	13.1	12.5	11.3	65.5
O	29.8	12.5	12.3	11.5	11.1	9.8	57.2
Commerce and Housing Credit (370):							
BA	1.6	4.2	5.9	7.2	10.5	10.5	38.3
O	−3.2	−0.3	2.3	2.5	5.6	6.6	16.7
On-budget:							
BA	0.6	3.6	5.6	6.4	10.5	10.5	36.6
O	−4.2	−0.9	2	1.7	5.6	6.6	15
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7
O	1	0.6	0.3	0.8	0	0	1.7
Transportation (400):							
BA	39.9	43.5	41.1	42	42	42	210.6
O	2.3	2.1	1.7	1.9	1.9	1.8	9.4
Community and Regional Development (450):							
BA	−0.2	0	0	−0.1	−0.1	0	−0.2
O	−0.7	−0.6	−0.6	−0.7	−0.7	−0.7	−3.3
Education, Training, Employment and Social Services (500):							
BA	13.2	15.8	16.3	16.3	16.4	17.1	81.9
O	12.3	16.3	16.3	16	16	16.5	81.1
Health (550):							
BA	125.6	134.8	144.1	155.5	169.1	184.7	788.2
O	123.4	133.2	144.1	155.9	169.8	184.6	787.6
Medicare (570):							
BA	196.5	212.6	218.5	236.6	252.2	275.6	1195.5
O	196.4	212.9	218.5	236.4	252.4	275.6	1195.8
Income Security (600):							
BA	208.5	217	224.7	233.6	243.1	255.2	1173.6
O	205.6	213	222.1	231.2	240.9	253.4	1160.6
Social Security (650):							
BA	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
O	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
On-budget:							
BA	11.5	9.7	11.5	12.2	13	13.8	60.2
O	11.5	9.7	11.5	12.2	13	13.8	60.2
Off-budget:							
BA	390.3	409.7	428.1	448	469.5	492.7	2248
O	390.3	409.7	428.1	448	469.5	492.7	2248
Veterans Benefits and Services (700):							
BA	25.1	25.6	26.4	27.8	28.6	31.5	139.9
O	24.8	25.4	26.3	27.7	28.5	31.3	139.2
Administration of Justice (750):							
BA	0.7	1.1	0.7	0.6	0.6	0.5	3.5
O	0.8	0.9	0.8	0.7	0.5	0.4	3.3
General Government (800):							

HOUSE-PASSED BUDGET RESOLUTION MANDATORY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
BA	1.3	1.2	1.2	1.1	1.1	1.2	5.8
O	1.6	1.2	1.2	1.1	1.3	1.1	5.9
Net Interest (900):							
BA	224.5	218.9	210	194.9	179.3	162.5	965.6
O	224.5	218.9	210	194.9	179.3	162.5	965.6
On-budget:							
BA	284.6	288.5	290	285.7	280.9	275.4	1420.5
O	284.6	288.5	290	285.7	280.9	275.4	1420.5
Off-budget:							
BA	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9
O	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9
Allowances (920):							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Undistributed Offsetting Receipts (950):							
BA	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
O	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
On-budget:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
O	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

FUNCTION SUMMARY—SENATE-PASSED RESOLUTION

[In billions of dollars]

Function	2000	2001	2002	2003	2004	2005	2001–05
50:							
BA	291.6	309.8	309.1	315.5	323.2	331.5	1589.2
OT	288.1	296.7	303.1	309.6	317.7	328.1	1555.1
Discretionary:							
BA	292.6	310.8	310	316.4	324	332.3	1593.6
OT	289.1	297.7	304	310.5	318.5	328.9	1559.5
Mandatory:							
BA	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
OT	−1	−1	−0.9	−0.9	−0.8	−0.8	−4.4
150:							
BA	22	20.1	20.9	21.4	21.9	22.6	107
OT	16	18.6	17.9	17.6	17.7	17.9	89.8
Discretionary:							
BA	24.2	20.4	20.9	21.4	21.9	22.5	107
OT	20.6	22.6	21.7	21.2	21.2	21.3	108
Mandatory:							
BA	−2.2	−0.2	0	0	0	0.2	0
OT	−4.6	−4	−3.8	−3.7	−3.5	−3.4	−18.3
250:							
BA	19.3	19.7	19.9	19.8	20.1	20.3	99.8
OT	18.4	19.2	19.6	19.5	19.7	19.9	97.9
Discretionary:							
BA	19.2	19.6	19.8	19.8	20	20.3	99.6
OT	18.4	19.2	19.5	19.5	19.6	19.9	97.7
Mandatory:							
BA	0.1	0.1	0	0	0	0	0.2
OT	0.1	0.1	0.1	0	0	0	0.3
270:							
BA	1.1	1.5	−0.3	1.2	1.2	1.2	4.9
OT	−0.6	0.2	−1.4	0	−0.1	−0.1	−1.4
Discretionary:							
BA	2.6	3.1	1.7	3.1	3.1	3.1	14
OT	3	3.1	1.8	3.1	3.1	3.1	14.3
Mandatory:							
BA	−1.5	−1.6	−1.9	−1.9	−1.8	−1.9	−9.2
OT	−3.6	−2.9	−3.1	−3.2	−3.2	−3.2	−15.7
300:							
BA	24.5	24.9	25	25	25.1	25.1	125.1
OT	24.2	24.9	25	25.2	25.1	24.9	125.1
Discretionary:							
BA	24.2	24.1	24.1	24.1	24.1	24.1	120.3
OT	23.8	24	24.2	24.2	24.1	24	120.6
Mandatory:							
BA	0.3	0.9	1	1	1	1	4.8
OT	0.5	0.9	0.8	1	1	0.9	4.5
350:							
BA	35.3	20.9	19	18	17.4	16.1	91.3
OT	33.9	18.8	17.2	16.4	15.9	14.6	82.9
Discretionary:							
BA	4.5	4.5	4.6	4.6	4.7	4.7	23.1
OT	4.6	4.5	4.5	4.5	4.6	4.6	22.8
Mandatory:							
BA	30.7	16.4	14.4	13.4	12.7	11.4	68.2
OT	29.3	14.3	12.8	11.8	11.3	10	60.1
370:							
BA	8.6	6.7	8.9	10.2	13.4	13.4	52.6
OT	4.1	2.6	5.2	5.5	8.4	9.3	30.9
Discretionary:							
BA	7	2.5	3	3	2.9	2.9	14.3
OT	7.3	2.8	2.9	2.9	2.8	2.7	14.2
Mandatory:							
BA	1.6	4.2	5.9	7.2	10.5	10.5	38.2
OT	−3.2	−0.3	2.3	2.5	5.6	6.6	16.8
370 on-budget:							
BA	7.6	6.1	8.6	9.4	13.4	13.4	50.9
OT	3.1	2	4.9	4.7	8.4	9.3	29.2
Discretionary:							
BA	7	2.5	3	3	2.9	2.9	14.3
OT	7.3	2.8	2.9	2.9	2.8	2.7	14.2
Mandatory:							
BA	0.6	3.6	5.6	6.4	10.5	10.5	36.5
OT	−4.2	−0.9	2	1.7	5.6	6.6	15.1
400:							
BA	54.4	59.5	57.5	59.1	59.1	59.2	294.5
OT	46.7	51.1	53.5	55.5	56.1	56.4	272.7
Discretionary:							
BA	14.5	16.1	16.5	17.1	17.1	17.1	84
OT	44.4	49.1	51.8	53.6	54.3	54.7	263.4
Mandatory:							

FUNCTION SUMMARY—SENATE-PASSED RESOLUTION—Continued

[In billions of dollars]

Function	2000	2001	2002	2003	2004	2005	2001–05
BA	39.9	43.5	41.1	42	42	42	210.5
OT	2.3	2.1	1.7	1.9	1.9	1.8	9.3
450:							
BA	11.3	9.3	8.8	8.7	8.7	8.7	44.2
OT	10.7	10.4	9.9	8.8	8.3	7.9	45.3
Discretionary:							
BA	11.5	9.2	8.8	8.7	8.8	8.8	44.3
OT	11.5	11.1	10.7	9.8	9.3	9	49.9
Mandatory:							
BA	−0.2	0	0	−0.1	−0.1	0	−0.2
OT	−0.7	−0.7	−0.8	−1	−1	−1.1	−4.6
500:							
BA	57.7	75.6	76.4	77.3	78.4	79.8	387.5
OT	61.9	68.8	73.2	76.1	77.4	78.7	374.1
Discretionary:							
BA	44.5	57.4	59.8	60.2	60.9	61.6	300
OT	49.6	52.3	56.5	59.3	60.3	61	289.5
Mandatory:							
BA	13.2	18.2	16.6	17	17.5	18.2	87.5
OT	12.3	16.5	16.6	16.7	17.1	17.7	84.6
550:							
BA	159.2	170.8	178.9	191	205.2	221.5	967.3
OT	153.5	167.4	177.8	190.3	204.8	220.3	960.7
Discretionary:							
BA	33.6	36	34.8	35.5	36.1	36.8	179.2
OT	30.1	34.3	33.8	34.5	35.1	35.7	173.4
Mandatory:							
BA	125.6	134.8	144.1	155.5	169.1	184.7	788.1
OT	123.4	133.1	144	155.8	169.7	184.6	787.3
570:							
BA	199.6	218.8	228.6	249.8	265.3	288.7	1251.2
OT	199.5	219	228.6	249.5	265.5	288.7	1251.4
Discretionary:							
BA	3.1	3.1	3.1	3.1	3.1	3.1	15.6
OT	3.1	3.1	3.1	3.1	3.1	3.1	15.5
Mandatory:							
BA	196.5	215.6	225.5	246.6	262.2	285.6	1235.6
OT	196.4	215.9	225.5	246.4	262.4	285.6	1235.8
600:							
BA	238.9	253.2	264.8	274.8	284.9	297.7	1375.5
OT	248.1	255.4	267.3	278.5	288.4	301.2	1390.7
Discretionary:							
BA	30.4	35.4	38	39.1	39.7	40.3	192.5
OT	42.5	42.1	43	45	45.4	45.7	221.1
Mandatory:							
BA	208.5	217.8	226.8	235.7	245.2	257.4	1182.9
OT	205.6	213.4	224.2	233.5	243	255.5	1169.5
650:							
BA	405	422.8	443.1	463.8	486	510.2	2325.9
OT	405	422.8	443.1	463.8	486	510.1	2325.7
Discretionary:							
BA	3.2	3.5	3.5	3.5	3.6	3.6	17.6
OT	3.2	3.4	3.5	3.5	3.5	3.6	17.5
Mandatory:							
BA	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
OT	401.8	419.4	439.6	460.3	482.4	506.6	2308.3
650 on-budget:							
BA	11.5	9.7	11.6	12.3	13	13.8	60.4
OT	11.5	9.7	11.6	12.3	13	13.8	60.4
Discretionary:							
BA	0	0	0	0	0	0	0.1
OT	0	0	0	0	0	0	0.1
Mandatory:							
BA	11.5	9.7	11.5	12.2	13	13.8	60.3
OT	11.5	9.7	11.5	12.2	13	13.8	60.3
700:							
BA	46	48.6	49.3	51.3	52.6	56	257.9
OT	45.1	48.1	49.2	51	52.3	55.7	256.3
Discretionary:							
BA	20.9	22.9	22.9	23.8	24.3	24.9	118.9
OT	20.4	22.7	22.9	23.6	24.2	24.7	118
Mandatory:							
BA	25.1	25.6	26.4	27.5	28.3	31.1	138.9
OT	24.8	25.4	26.3	27.4	28.2	31	138.3
750:							
BA	27.4	28.2	28.5	29.2	31.3	32.1	149.3
OT	28	28.3	28.8	29.2	31	31.9	149.2
Discretionary:							
BA	26.6	27.1	27.8	28.5	29.2	29.9	142.6
OT	27.2	27.5	27.9	28.5	29.1	29.8	142.7
Mandatory:							
BA	0.7	1.1	0.7	0.6	2.1	2.2	6.7
OT	0.8	0.9	0.8	0.7	2	2.1	6.5
800:							
BA	13.7	14.4	13.6	13.6	13.6	13.6	68.8
OT	14.7	14.3	13.9	13.8	13.9	13.6	69.4
Discretionary:							
BA	12.4	13.2	12.4	12.4	12.4	12.4	62.9
OT	13.2	13.1	12.7	12.6	12.6	12.5	63.5
Mandatory:							
BA	1.3	1.2	1.2	1.1	1.1	1.2	5.9
OT	1.6	1.2	1.2	1.1	1.3	1.1	6
900:							
BA	224.7	219.5	211	197	182.4	166.9	976.8
OT	224.7	219.5	211	197	182.4	166.9	976.8
Discretionary:							
BA	0	0	0	0	0	0	0
OT	0	0	0	0	0	0	0
Mandatory:							
BA	224.7	219.5	211	197	182.4	166.9	976.8
OT	224.7	219.5	211	197	182.4	166.9	976.8
900 on-budget:							
BA	284.7	289	291.1	287.8	284	279.8	1431.7
OT	284.7	289	291.1	287.8	284	279.8	1431.7
Discretionary:							
BA	0	0	0	0	0	0	0
OT	0	0	0	0	0	0	0
Mandatory:							
BA	284.7	289	291.1	287.8	284	279.8	1431.7
OT	284.7	289	291.1	287.8	284	279.8	1431.7

FUNCTION SUMMARY—SENATE-PASSED RESOLUTION—Continued

[In billions of dollars]

Function	2000	2001	2002	2003	2004	2005	2001–05
920:							
BA	0	−6	−0.5	−0.5	−0.5	−0.5	−8
OT	0	−5.6	−1.8	−5.4	−7.3	−6.6	−26.6
Discretionary:							
BA	0	−6	−0.5	−0.5	−0.5	−0.5	−8
OT	0	−5.6	−1.8	−5.4	−7.3	−6.6	−26.6
Mandatory:							
BA	0	0	0	0	0	0	0
OT	0	0	0	0	0	0	0
950:							
BA	−42	−46.6	−50.9	−50.8	−48.5	−51.6	−248.3
OT	−42	−46.6	−50.9	−50.8	−48.5	−51.6	−248.3
Discretionary:							
BA	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
OT	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
Mandatory:							
BA	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
OT	−41.8	−46.7	−50.3	−50.2	−48.2	−50.1	−245.5
950 on-budget:							
BA	−34.3	−38.4	−41.9	−41.3	−38.4	−40.7	−200.6
OT	−34.3	−38.4	−41.9	−41.3	−38.4	−40.7	−200.6
Discretionary:							
BA	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
OT	−0.2	0.1	−0.6	−0.6	−0.3	−1.5	−2.9
Mandatory:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.8
OT	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.8
Total:							
BA	1798	1871.8	1911.8	1975.2	2040.8	2112.6	9912.1
OT	1780.1	1833.9	1890.1	1951	2014.8	2087.8	9777.7
Discretionary [1]:							
BA	574.8	603.1	610.7	623.2	635.2	646.5	3118.7
OT	611.7	627	642.1	653.7	663.1	676.1	3262.1
Mandatory:							
BA	1223.2	1268.7	1301.1	1352	1405.5	1466.1	6793.4
OT	1168.5	1206.9	1248	1297.4	1351.6	1411.7	6515.6
Total on-budget:							
BA	1471.3	1535.9	1569	1623.2	1679.5	1740	8147.5
OT	1453.4	1498.1	1547.3	1599	1653.5	1715.3	8013.2
Discretionary:							
BA	571.6	599.6	607.2	619.7	631.7	642.9	3101.2
OT	608.5	623.6	638.7	650.2	659.6	672.6	3244.7
Mandatory:							
BA	899.7	936.2	961.7	1003.5	1047.8	1097.1	5046.4
OT	844.9	874.4	908.6	948.8	993.9	1042.7	4768.5
Revenues	1944.3	2003.3	2072	2146.6	2225.6	2318.6	10766.2
Revenues on-budget	1464.6	1501.8	1547.1	1599.4	1655.7	1721.3	8025.4
Surplus	164.1	169.4	181.9	195.5	210.9	230.8	988.5
On-budget	11.2	3.7	−0.2	0.4	2.2	6	12.1
Off-budget	152.9	165.7	182	195.2	208.7	224.8	976.4

[1] Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION TOTAL SPENDING AND REVENUES

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–2005
SUMMARY							
Total Spending:							
BA	1802	1869	1910.1	1970.7	2035	2108.7	9893.5
O	1783.8	1834.7	1889.4	1947.4	2010.3	2084.8	9766.6
On-Budget:							
BA	1471.4	1528.5	1563	1614.7	1670	1733.1	8109.3
O	1453.1	1494.3	1542.3	1591.4	1645.4	1709.2	7982.6
Off-Budget:							
BA	330.6	340.5	347.1	356	365	375.6	1784.2
O	330.7	340.4	347.1	356	364.9	375.6	1784
Revenues:							
Total	1945.1	2004.7	2072.9	2145.8	2222.7	2317.1	10763.2
On-Budget	1465.5	1503.2	1548	1598.6	1652.8	1719.8	8022.4
Off-Budget	479.6	501.5	524.9	547.2	569.9	597.3	2740.8
Surplus/Deficit (−):							
Total	161.3	170	183.5	198.4	212.4	232.3	996.6
On-Budget	12.4	8.9	5.7	7.2	7.4	10.6	39.8
Off-Budget	148.9	161.1	177.8	191.2	205	221.7	956.8
Debt Held by the Public (end of year)	3470.2	3313.2	3135.1	2948.3	2747	2524.2	NA
Debt Subject to Limit (end of year)	5640.2	5723.7	5814.7	5914.4	6008.8	6098	NA
BY FUNCTION							
National Defense (050):							
BA	291.6	309.9	309.2	315.6	323.4	331.7	1589.8
O	288.1	296.7	303.2	309.8	317.9	328.3	1555.9
International Affairs (150):							
BA	22	19.8	20.1	20.1	20.1	20.6	100.7
O	16	18.3	17.8	16.9	16.5	16.4	85.9
General Science, Space, and Technology (250):							
BA	19.3	20.3	20.4	20.6	20.8	21	103.1
O	18.4	19.4	20	20	20.2	20.5	100.1
Energy (270):							
BA	1.1	1.3	0.2	0.9	0.8	0.8	4
O	−0.6	0	−0.9	−0.4	−0.5	−0.5	−2.3
Natural Resources and Environment (300):							
BA	24.5	25.1	25.2	25.2	25.3	25.3	126.1
O	24.2	25	25.2	25.3	25.2	25.1	125.8
Agriculture (350):							
BA	35.3	20.8	18.5	17.6	17	15.8	89.7
O	33.9	18.7	16.8	16	15.5	14.2	81.2
Commerce and Housing Credit (370):							
BA	8.6	6.8	9	10.2	13.5	13.4	52.9
O	4.1	2.8	5.2	5.5	8.5	9.5	31.5
On-budget:							
BA	7.6	6.2	8.7	9.4	13.5	13.4	51.2
O	3.1	2.2	4.9	4.7	8.5	9.5	29.8
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7
O	1	0.6	0.3	0.8	0	0	1.7
Transportation (400):							

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION TOTAL SPENDING AND REVENUES—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–2005
BA	54.4	59.3	57.4	58.9	59	59	293.6
O	46.7	50.5	53	55.2	55.6	55.7	270
Community and Regional Development (450):							
BA	11.3	9.3	8.6	8.6	8.5	8.6	43.6
O	10.7	10.7	9.7	8.6	8.1	7.6	44.7
Education, Training, Employment and Social Services (500):							
BA	57.7	72.6	74.7	75.7	76.7	78.3	378
O	61.9	68.7	72.2	74.2	74.9	75.9	365.9
Health (550):							
BA	159.2	169.6	179.3	191.2	205.4	221.6	967.1
O	153.5	165.9	177.8	190.4	204.9	220.3	959.3
Medicare (570):							
BA	199.6	217.7	226.6	247.8	266.3	292.7	1251.1
O	199.5	218	226.6	247.5	266.5	292.7	1251.3
Income Security (600):							
BA	238.9	252.3	264.2	273.7	283.5	296.1	1369.8
O	248.1	255	266	276.1	286	298.8	1381.9
Social Security (650):							
BA	408.8	427.1	446.7	466.9	488.6	512	2341.3
O	408.9	427	446.7	466.9	488.5	512	2341.1
On-budget:							
BA	11.5	9.7	11.6	12.3	13	13.8	60.4
O	11.5	9.7	11.6	12.3	13	13.8	60.4
Off-budget:							
BA	397.3	417.4	435.1	454.6	475.6	498.2	2280.9
O	397.4	417.3	435.1	454.6	475.5	498.2	2280.7
Veterans Benefits and Services (700):							
BA	46	47.8	49	50.8	52.1	55.4	255.1
O	45.1	47.4	48.9	50.5	51.8	55.1	253.7
Administration of Justice (750):							
BA	27.4	28	28.1	28.5	29	29.5	143.1
O	28	28.1	28.4	28.5	28.7	29.2	142.9
General Government (800):							
BA	13.7	14	13.6	13.6	13.6	13.6	68.4
O	14.7	14.3	13.9	13.8	13.8	13.6	69.4
Net Interest (900):							
BA	224.6	219.4	211.2	197	182.3	166.7	976.6
O	224.6	219.4	211.2	197	182.3	166.7	976.6
On-budget:							
BA	284.6	288.6	290.6	286.9	282.8	278.4	1427.3
O	284.6	288.6	290.6	286.9	282.8	278.4	1427.3
Off-budget:							
BA	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
O	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
Allowances (920):							
BA	0	−5.5	−1.7	−2	−2.7	−3.3	−15.2
O	0	−4.6	−2.1	−4.2	−5.9	−6.2	−23
Undistributed Offsetting Receipts (950):							
BA	−42	−46.6	−50.2	−50.2	−48.2	−50.1	−245.3
O	−42	−46.6	−50.2	−50.2	−48.2	−50.1	−245.3
On-budget:							
BA	−34.3	−38.3	−41.3	−40.7	−38.1	−39.2	−197.6
O	−34.3	−38.3	−41.3	−40.7	−38.1	−39.2	−197.6
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

Note.—Figures assume discretionary levels that will apply once new spending limits are enacted.

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION DISCRETIONARY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–2005
SUMMARY							
Total Discretionary Spending:							
BA	574.8	600.2	608.6	619.1	629	640.2	3097.1
O	611.8	625.2	640.8	650.5	658.4	670.3	3245.2
Defense:							
BA	292.6	310.8	310.1	316.4	324.1	332.4	1593.8
O	289.1	297.7	304.1	310.6	318.6	328.9	1559.9
Nondefense:							
BA	282.2	289.4	298.5	302.7	304.9	307.8	1503.3
O	322.7	327.5	336.7	339.9	339.8	341.4	1685.3
BY FUNCTION							
National Defense (050):							
BA	292.6	310.8	310.1	316.4	324.1	332.4	1593.8
O	289.1	297.7	304.1	310.6	318.6	328.9	1559.9
International Affairs (150):							
BA	24.2	20	20.1	20.1	20.1	20.4	100.7
O	20.6	22.3	21.6	20.6	20	19.7	104.2
General Science, Space, and Technology (250):							
BA	19.2	20.2	20.4	20.6	20.8	21	103
O	18.4	19.4	19.9	20	20.2	20.4	99.9
Energy (270):							
BA	2.6	3	2.1	2.7	2.6	2.7	13.1
O	3	3	2.2	2.8	2.7	2.7	13.4
Natural Resources and Environment (300):							
BA	24.2	24.2	24.2	24.3	24.3	24.4	121.4
O	23.8	24.1	24.3	24.4	24.3	24.2	121.3
Agriculture (350):							
BA	4.5	4.5	4.5	4.6	4.6	4.6	22.8
O	4.6	4.5	4.4	4.5	4.5	4.5	22.4
Commerce and Housing and Credit (370):							
BA	7	2.6	3.1	3.1	3	3	14.8
O	7.3	3	3	3	2.9	2.9	14.8
On-budget:							
BA	7	2.6	3.1	3.1	3	3	14.8
O	7.3	3	3	3	2.9	2.9	14.8
Off-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Transportation (400):							
BA	14.5	15.8	16.4	17	17	17	83.2
O	44.4	48.5	51.3	53.2	53.7	54	260.7
Community and Regional Development (450):							
BA	11.5	9.2	8.7	8.6	8.6	8.6	43.7

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION DISCRETIONARY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–2005
O	11.5	11.4	10.5	9.6	9.1	8.7	49.3
Education, Training, Employment and Social Services (500):							
BA	44.5	56.8	58.4	59.1	60	60.8	295.1
O	49.6	52.3	55.9	57.9	58.6	59	283.7
Health (550):							
BA	33.6	34.8	35.2	35.7	36.3	36.9	178.9
O	30.1	32.8	33.8	34.6	35.2	35.7	172.1
Medicare (570):							
BA	3.1	3.1	3.1	3.1	3.1	3.1	15.5
O	3.1	3.1	3.1	3.1	3.1	3.1	15.5
Income Security (600):							
BA	30.4	35.3	38.2	38.8	39.2	39.6	191.1
O	42.5	42.1	42.7	43.6	43.8	44.1	216.3
Social Security (650):							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
On-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Off-budget:							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
Veterans Benefits and Services (700):							
BA	20.9	22.1	22.5	23.2	23.6	24.1	115.5
O	20.4	21.9	22.5	23	23.4	23.9	114.7
Administration of Justice (750):							
BA	26.6	26.9	27.5	27.9	28.4	28.9	139.6
O	27.2	27.2	27.5	27.8	28.2	28.7	139.4
General Government (800):							
BA	12.4	12.8	12.4	12.4	12.4	12.4	62.4
O	13.2	13	12.7	12.6	12.5	12.4	63.2
Allowances (920):							
BA	0	−5.5	−1.7	−2	−2.7	−3.3	−15.2
O	0	−4.6	−2.1	−4.2	−5.9	−6.2	−23
Undistributed Offsetting Receipts (950):							
BA	−0.2	0.2	0	0	0	0	0.2
O	−0.2	0.2	0	0	0	0	0.2
On-budget:							
BA	−0.2	0.2	0	0	0	0	0.2
O	−0.2	0.2	0	0	0	0	0.2
Off-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0

Note.—Figures assume discretionary levels that will apply once new spending limits are enacted.

HOUSE-PASSED BUDGET RESOLUTION TOTAL SPENDING AND REVENUES

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Spending:							
BA	1,801.8	1,856.6	1,897.2	1,952.4	2,011.1	2,081.2	9,798.5
O	1,784	1,823.2	1,876.3	1,930.3	1,988.2	2,058.2	9,676.2
On-Budget:							
BA	1,478.3	1,524.1	1,557.8	1,603.9	1,653.4	1,712.2	8,051.4
O	1,460.5	1,490.7	1,536.9	1,581.8	1,630.5	1,689.2	7,929.1
Off-Budget:							
BA	323.5	332.5	339.4	348.5	357.7	369	1,747.1
O	323.5	332.5	339.4	348.5	357.7	369	1,747.1
Revenues:							
Total	1,945.1	2,006.3	2,074.3	2,145.7	2,220.5	2,316.4	10,763.2
On-Budget	1,465.5	1,504.8	1,549.4	1,598.5	1,650.6	1,719.1	8,022.4
Off-Budget	479.6	501.5	524.9	547.2	569.9	597.3	2,740.8
Surplus/Deficit (-):							
Total	161.1	183.1	198	215.4	232.3	258.2	1,087
On-Budget	5	14.1	12.5	16.7	20.1	29.9	93.3
Off-Budget	156.1	169	185.5	198.7	212.2	228.3	993.7
Debt Held by the Public (end of year)	3,470.3	3,300	3,107.7	2,903.9	2,682.5	2,433.9	NA
Debt Subject to Limit (end of year)	5,640.3	5,710.6	5,787.3	5,869.9	5,944.3	6,007.8	NA
BY FUNCTION							
National Defense (050):							
BA	288.9	306.3	309.3	315.6	323.4	331.7	1,586.3
O	282.5	297.6	302	309.4	317.6	328.1	1,554.7
International Affairs (150):							
BA	20.1	19.5	19.3	18.8	18.3	18.5	94.4
O	15.5	17.3	17.2	16.1	15.2	14.8	80.6
General Science, Space, and Technology (250):							
BA	19.3	20.3	20.4	20.6	20.8	21	103.1
O	18.5	19.4	20	20	20.2	20.5	100.1
Energy (270):							
BA	1.1	1.2	0.7	0.5	0.4	0.3	3.1
O	−0.6	−0.1	−0.4	−0.7	−0.9	−0.9	−3
Natural Resources and Environment (300):							
BA	24.3	25	25.1	25.2	25.3	25.4	126
O	24.2	24.8	25.1	25.2	25.2	25.1	125.4
Agriculture (350):							
BA	35.7	19.1	18.5	17.6	17	15.8	88
O	34.3	16.9	16.7	15.9	15.5	14.2	79.2
Commerce and Housing Credit (370):							
BA	8.5	6.9	9	10.3	13.6	13.5	53.3
O	4.1	2.9	5.3	5.5	8.7	9.6	32
On-budget:							
BA	7.5	6.3	8.7	9.5	13.6	13.5	51.6
O	3.1	2.3	5	4.7	8.7	9.6	30.3
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7
O	1	0.6	0.3	0.8	0	0	1.7
Transportation (400):							
BA	54.3	59.2	57.4	58.8	58.8	58.8	293
O	46.6	50.3	52.5	54.8	55.1	55.1	267.8
Community and Regional Development (450):							
BA	11.2	9.1	8.5	8.4	8.4	8.5	42.9
O	10.8	11.1	9.7	8.8	8.3	7.8	45.7
Education, Training, Employment and Social Services (500):							
BA	57.7	72.6	74	75	76.1	77.8	375.5
O	61.4	69.2	72.1	73.2	73.5	74.2	362.2

HOUSE-PASSED BUDGET RESOLUTION TOTAL SPENDING AND REVENUES—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Health (550):							
BA	159.3	169.7	179.6	191.5	205.6	221.7	968.1
O	152.3	167.1	177.9	190.6	205	220.3	960.9
Medicare (570):							
BA	199.6	215.7	221.6	239.7	255.3	278.7	1,211
O	199.5	216	221.6	239.5	255.5	278.7	1,211.3
Income Security (600):							
BA	238.4	252.2	263	272.1	281.7	294	1,363
O	248	254.9	264.3	273.4	283.2	295.9	1,371.7
Social Security (650):							
BA	405	422.8	443	463.7	486.1	510.1	2,325.7
O	405	422.7	443	463.6	486	510.1	2,325.4
On-budget:							
BA	14.7	13.1	14.9	15.7	16.6	17.4	77.7
O	14.7	13	14.9	15.6	16.5	17.4	77.4
Off-budget:							
BA	390.3	409.7	428.1	448	469.5	492.7	2,248
O	390.3	409.7	428.1	448	469.5	492.7	2,248
Veterans Benefits and Services (700):							
BA	46	47.8	49	50.8	52	55.3	254.9
O	45.2	47.4	48.9	50.6	51.7	54.9	253.5
Administration of Justice (750):							
BA	27.3	28	27.8	27.9	28.2	28.4	140.3
O	28	28	28	27.9	27.9	28.1	139.9
General Government (800):							
BA	13.9	13.6	13.6	13.5	13.5	13.6	67.8
O	14.7	14.2	13.9	13.7	13.7	13.5	69
Net Interest (900):							
BA	224.6	219	209.9	194.9	179.3	162.5	965.6
O	224.6	219	209.9	194.9	179.3	162.5	965.6
On-budget:							
BA	284.6	288.5	290	285.7	280.9	275.4	1,420.5
O	284.6	288.5	290	285.7	280.9	275.4	1,420.5
Off-budget:							
BA	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9
O	−60	−69.5	−80.1	−90.8	−101.6	−112.9	−454.9
Allowances (920):							
BA	8.5	−4.7	−2.1	−2.6	−4.3	−4.4	−18.1
O	11.5	−8.7	−1	−2.2	−4	−4.3	−20.2
Undistributed Offsetting Receipts (950):							
BA	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
O	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
On-budget:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
O	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

HOUSE PASSED BUDGET RESOLUTION DISCRETIONARY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Discretionary Spending:							
BA	578.2	596.5	607.3	615.6	623.6	634.4	3077.4
O	615.2	622.1	639.2	648	654.3	665.5	3229.1
Defense:							
BA	289.9	307.3	310.2	316.5	324.2	332.5	1,590.7
O	283.5	298.6	302.9	310.3	318.4	328.9	1,559.1
Nondefense:							
BA	288.3	289.2	297.1	299.1	299.4	301.9	1486.7
O	331.7	323.5	336.3	337.7	335.9	336.6	1670
BY FUNCTION							
National Defense (050):							
BA	289.9	307.3	310.2	316.5	324.2	332.5	1590.7
O	283.5	298.6	302.9	310.3	318.4	328.9	1559.1
International Affairs (150):							
BA	22.3	19.7	19.3	18.8	18.3	18.3	94.4
O	20.1	21.3	21	19.8	18.7	18.2	99
General Science, Space, and Technology (250):							
BA	19.2	20.2	20.4	20.6	20.8	21	103
O	18.4	19.4	19.9	20	20.2	20.4	99.8
Energy (270):							
BA	2.6	2.8	2.6	2.4	2.2	2.2	12.2
O	3	2.8	2.7	2.5	2.3	2.3	12.6
Natural Resources and Environment (300):							
BA	24	24.3	24.4	24.5	24.6	24.7	122.5
O	23.7	24.1	24.4	24.5	24.5	24.5	122
Agriculture (350):							
BA	4.5	4.5	4.5	4.5	4.5	4.5	22.5
O	4.5	4.4	4.4	4.4	4.4	4.4	22
Commerce and Housing Credit (370):							
BA	6.9	2.7	3.1	3.1	3.1	3	15
O	7.3	3.2	3	3	3.1	3	15.3
On-budget:							
BA	6.9	2.7	3.1	3.1	3.1	3	15
O	7.3	3.2	3	3	3.1	3	15.3
Off-budget							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Transportation (400):							
BA	14.4	15.7	16.3	16.8	16.8	16.8	82.4
O	44.3	48.2	50.8	52.9	53.2	53.3	258.4
Community and Regional Development (450):							
BA	11.4	9.1	8.5	8.5	8.5	8.5	43.1
O	11.5	11.7	10.3	9.5	9	8.5	49
Education, Training, Employment and Social Services (500):							
BA	44.5	56.8	57.7	58.7	59.7	60.7	293.6
O	49.1	52.9	55.8	57.2	57.5	57.7	281.1
Health (550):							
BA	33.7	34.9	35.5	36	36.5	37	179.9
O	28.9	33.9	33.8	34.7	35.2	35.7	173.3
Medicare (570):							
BA	3.1	3.1	3.1	3.1	3.1	3.1	15.5
O	3.1	3.1	3.1	3.1	3.1	3.1	15.5

HOUSE PASSED BUDGET RESOLUTION DISCRETIONARY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Income Security (600):							
BA	29.9	35.2	38.3	38.5	38.6	38.8	189.4
O	42.4	41.9	42.2	42.2	42.3	42.5	211.1
Social Security (650):							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
On-budget:							
BA	3.2	3.4	3.4	3.5	3.6	3.6	17.5
O	3.2	3.3	3.4	3.4	3.5	3.6	17.2
Off-budget:							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Veterans Benefits and Services (700):							
BA	20.9	22.2	22.6	23	23.4	23.8	115
O	20.4	22	22.6	22.9	23.2	23.6	114.3
Administration of Justice (750):							
BA	26.6	26.9	27.1	27.3	27.6	27.9	136.8
O	27.2	27.1	27.2	27.2	27.4	27.7	136.6
General Government (800):							
BA	12.6	12.4	12.4	12.4	12.4	12.4	62
O	13.1	13	12.7	12.6	12.4	12.4	63.1
Allowances (920) [1]:							
BA	8.5	−4.7	−2.1	−2.6	−4.3	−4.4	−18.1
O	11.5	−8.7	−1	−2.2	−4	−4.3	−20.3

[1] Includes the Administration's supplemental request.

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION MANDATORY SPENDING

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
SUMMARY							
Total Mandatory Spending:							
BA	1,227.1	1,269	1,301.6	1,351.4	1,406.1	1,468.5	6,796.6
O	1,172.5	1,210	1,248.7	1,296.7	1,352	1,414.1	6,521.5
On-budget:							
BA	899.6	931.9	957.9	998.9	1,044.6	1,096.5	5,029.8
O	845	872.9	905	944.2	990.5	1,042.1	4,754.7
Off-budget:							
BA	327.5	337.1	343.7	352.5	361.5	372	1,766.8
O	327.5	337.1	343.7	352.5	361.5	372	1,766.8
BY FUNCTION							
National Defense (050):							
BA	−1	−0.9	−0.9	−0.8	−0.7	−0.7	−4
O	−1	−0.9	−0.9	−0.8	−0.7	−0.7	−4
International Affairs (150):							
BA	−2.2	−0.2	0	0	0	0.2	0
O	−4.6	−4	−3.8	−3.7	−3.5	−3.4	−18.4
General Science, Space, and Technology (250):							
BA	0.1	0.1	0	0	0	0	0.1
O	0.1	0.1	0.1	0	0	0	0.2
Energy (270):							
BA	−1.5	−1.6	−1.9	−1.9	−1.8	−1.9	−9.1
O	−3.6	−2.9	−3.1	−3.2	−3.2	−3.2	−15.6
Natural Resources and Environment (300):							
BA	0.3	0.9	0.9	0.9	1	1	4.7
O	0.5	0.9	0.9	1	0.9	0.9	4.6
Agriculture (350):							
BA	30.7	16.3	14	13.1	12.4	11.2	67
O	29.3	14.2	12.4	11.5	11	9.7	58.8
Commerce and Housing Credit (370):							
BA	1.6	4.2	5.9	7.2	10.5	10.5	38.3
O	−3.2	−0.3	2.3	2.5	5.6	6.6	16.7
On-budget:							
BA	0.6	3.6	5.6	6.4	10.5	10.5	36.6
O	−4.2	−0.9	2	1.7	5.6	6.6	15
Off-budget:							
BA	1	0.6	0.3	0.8	0	0	1.7
O	1	0.6	0.3	0.8	0	0	1.7
Transportation (400):							
BA	39.9	43.5	41.1	42	42	42	210.6
O	2.3	2.1	1.7	1.9	1.9	1.8	9.4
Community and Regional Development (450):							
BA	−0.2	0	0	−0.1	−0.1	0	−0.2
O	−0.7	−0.7	−0.8	−1	−1	−1.1	−4.6
Education, Training, Employment and Social Services (500):							
BA	13.2	15.8	16.3	16.5	16.7	17.4	82.7
O	12.3	16.4	16.4	16.2	16.4	16.9	82.3
Health (550):							
BA	125.6	134.8	144.1	155.5	169.1	184.7	788.2
O	123.4	133.2	144	155.9	169.7	184.6	787.4
Medicare (570):							
BA	196.5	214.6	223.5	244.6	263.2	289.6	1235.5
O	196.4	214.9	223.5	244.4	263.4	289.6	1235.8
Income Security (600):							
BA	208.5	217	226	234.9	244.4	256.5	1178.8
O	205.6	213	223.4	232.5	242.2	254.7	1,165.8
Social Security (650):							
BA	405.7	423.7	443.2	463.3	485.1	508.4	2,323.7
O	405.7	423.7	443.2	463.3	485.1	508.4	2,323.7
On-budget:							
BA	11.5	9.7	11.5	12.2	13	13.8	60.2
O	11.5	9.7	11.5	12.2	13	13.8	60.2
Off-budget							
BA	394.2	414	431.7	451.1	472.1	494.6	2,263.5
O	394.2	414	431.7	451.1	472.1	494.6	2,263.5
Veterans Benefits and Services (700):							
BA	25.1	25.8	26.5	27.7	28.5	31.3	139.8
O	24.8	25.5	26.4	27.6	28.3	31.2	139
Administration of Justice (750):							
BA	0.7	1.1	0.7	0.6	0.6	0.5	3.5
O	0.8	0.9	0.8	0.7	0.5	0.4	3.3
General Government (800):							
BA	1.3	1.2	1.2	1.1	1.1	1.2	5.8
O	1.6	1.2	1.2	1.1	1.3	1.1	5.9
Net Interest (900):							
BA	224.6	219.4	211.2	197	182.3	166.7	976.6

CONFERENCE REPORT FISCAL YEAR 2001 BUDGET RESOLUTION MANDATORY SPENDING—Continued

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
O	224.6	219.4	211.2	197	182.3	166.7	976.6
On-budget:							
BA	284.6	288.6	290.6	286.9	282.8	278.4	1,427.3
O	284.6	288.6	290.6	286.9	282.8	278.4	1,427.3
Off-budget:							
BA	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
O	−60	−69.2	−79.4	−89.9	−100.5	−111.7	−450.7
Allowances (920):							
BA	0	0	0	0	0	0	0
O	0	0	0	0	0	0	0
Undistributed Offsetting:							
BA	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
Receipts (950):							
O	−41.8	−46.7	−50.2	−50.2	−48.2	−50.1	−245.4
On-budget:							
BA	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
O	−34.1	−38.4	−41.3	−40.7	−38.1	−39.2	−197.7
Off-budget:							
BA	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7
O	−7.7	−8.3	−8.9	−9.5	−10.1	−10.9	−47.7

Note.—Figures assume discretionary levels that will apply once new spending limits are enacted.

BUDGET FUNCTION LEVELS

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House resolution, the Senate amendment, and the conference report for each major budget function are as follows:

FUNCTION 050: NATIONAL DEFENSE

Major Programs in Function—The National Defense function includes funds to develop, maintain, and equip the military forces of the United States. Roughly 95 percent of the funding in this function goes to Department of Defense—Military activities, including funds for ballistic missile defense. That component also includes pay and benefits for military and civilian personnel; research, development, testing, and evaluation; procurement of weapons systems; military construction and family housing; and operations and maintenance of the defense establishment. The remaining funding in the function goes toward atomic energy defense activities of the Department of Energy, and other defense-related activities.

House Resolution—The House resolution revises the fiscal year 2000 levels to $288.9 billion in budget authority [BA] and $282.5 billion in outlays. For fiscal year 2001, it sets forth $306.3 billion in BA and $297.6 billion in outlays. Over 5 years, it provides $1,586.3 billion in BA and $1,554.7 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $291.6 billion in BA and $288.1 billion in outlays. For fiscal year 2001, it sets forth $309.8 billion in BA and $296.7 billion in outlays. Over 5 years, it provides $1,589.2 billion in BA and $1,555.1 billion in outlays. These amounts reflect $4.0 billion in additional resources added to 2001 during the Senate's consideration of S. Con. Res. 101. This addition assumes that no such amount is added to 2000. The total amount also includes $10 million in BA and outlays in 2001 and $27.5 million in BA and outlays over 2000–2005. This latter amount was adopted by a vote of 99–0 and was explicitly assumed to supplement the compensation of enlisted personnel in the military who currently receive food stamps.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $291.6 billion in BA and $288.1 billion in outlays. For fiscal year 2001, it sets forth $309.9 billion in BA and $296.7 billion in outlays. Over 5 years, it provides $1,589.8 billion in BA and $1,555.9 billion in outlays.

The Conference Agreement adopts the assumptions of the Senate amendment with respect to the addition of $4.0 billion in BA and commensurate outlays. It also adopts the Senate amendment assumption regarding enlisted military personnel on food stamps.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major Programs in Function—Funds distributed through the International Affairs function provide for international development and humanitarian assistance; international security assistance; the conduct of foreign affairs; foreign information and exchange activities; and international financial programs. The major departments and agencies in this function include the Department of State, the Department of the Treasury, and the Agency for International Development.

House Resolution—The House resolution revises the fiscal year 2000 levels to $20.1 billion in budget authority [BA] and $15.5 billion in outlays. For fiscal year 2001, it sets forth $19.5 billion in BA and $17.3 billion in outlays. Over 5 years, it provides $94.4 billion in BA and $80.6 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $22.0 billion in BA and $16.0 billion in outlays. For fiscal year 2001, it sets forth $20.1 billion in BA and $18.6 billion in outlays. Over 5 years, it provides $107.0 billion in BA and $89.8 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $22.0 billion in BA and $16.0 billion in outlays. For fiscal year 2001, it sets forth $19.8 billion in BA and $18.3 billion in outlays. Over 5 years, it provides $100.7 billion in BA and $85.9 billion in outlays.

FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

Major Programs in Function—The General Science, Space, and Technology function consists of funds in two major categories: general science and basic research, and space flight, research, and supporting activities. The general science component includes the budgets for the National Science Foundation [NSF], and the fundamental science programs of the Department of Energy [DOE]. But the largest component of the function—about two-thirds of its total—is for space flight, research, and supporting activities of the National Aeronautics and Space Administration [NASA] (except for NASA's air transportation programs, which are included in Function 400).

House Resolution—The House resolution revises the fiscal year 2000 levels to $19.3 billion in budget authority [BA] and $18.5 billion in outlays. For fiscal year 2001, it sets forth $20.3 billion in BA and $19.4 billion in outlays. Over 5 years, it provides $103.1 billion in BA and $100.1 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $19.3 billion in BA and $18.4 billion in outlays. For fiscal year 2001, it sets forth $19.7 billion in BA and $19.2 billion in outlays. Over 5 years, it provides $99.8 billion in BA and $97.9 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $19.3 billion in BA and $18.4 billion in outlays. For fiscal year 2001, it sets forth $20.3 billion in BA and $19.4 billion in outlays. Over 5 years, it provides $103.1 billion in BA and $100.1 billion in outlays.

FUNCTION 270: ENERGY

Major Programs in Function—The Energy function reflects the civilian activities in the Department of Energy. Through this function, spending is provided for energy supply and fossil energy R&D programs; rural electricity and telecommunications loans administered through the Department of Agriculture; and electric power generation and transmission programs for the three Power Marketing Administrations. The function also includes the Strategic Petroleum Reserve; energy conservation programs, including the Partnership for the Next Generation of Vehicles; Clean Coal Technology; Nuclear Waste Disposal; and the operations of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission.

House Resolution—The House resolution revises the fiscal year 2000 levels to $1.1 billion in budget authority [BA] and −$0.6 billion in outlays. For fiscal year 2001, the resolution sets forth $1.2 billion in BA and −$0.1 billion in outlays. Over 5 years, it provides $3.1 billion in BA and −$3.0 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $1.1 billion in BA and −$0.6 billion in outlays. For fiscal year 2001, it sets forth $1.5 billion in BA and $0.2 billion in outlays. Over 5 years, it provides $4.9 billion in BA and −$1.4 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $1.1 billion in BA and −$0.6 billion in outlays. For fiscal year 2001, it sets forth $1.3 billion in BA and $0 in outlays. Over 5 years, it provides $4.0 billion in BA and −$2.3 billion in outlays.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

Major Programs in Function—Funds distributed through the Natural Resources and Environment function are intended to develop, manage, and maintain the Nation's natural resources, and to promote a clean environment. Funding is provided for water resources, conservation and land management, recreational resources, pollution control and abatement, and other natural resources. Major departments and agencies in this function are the Department of the Interior, including the National Park Service, the Bureau of Land Management, the Bureau of

Reclamation, and the Fish and Wildlife Service; certain agencies in the Department of Agriculture, including principally the Forest Service; the National Oceanic and Atmospheric Administration, in the Department of Commerce; the Army Corps of Engineers; and the Environmental Protection Agency.

House Resolution—The House resolution revises the fiscal year 2000 levels to $24.3 billion in budget authority [BA] and $24.2 billion in outlays. For fiscal year 2001, it sets forth $25.0 billion in BA and $24.8 billion in outlays. Over 5 years, it provides $126.0 billion in BA and $125.4 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $24.5 billion in BA and $24.2 billion in outlays. For fiscal year 2001, it sets forth $24.9 billion in BA and outlays. Over 5 years, it provides $125.1 billion in BA and outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $24.5 billion in BA and $24.2 billion in outlays. For fiscal year 2001, it sets forth $25.1 billion in BA and $25.0 billion in outlays. Over 5 years, it provides $126.1 billion in BA and $125.8 billion in outlays.

FUNCTION 350: AGRICULTURE

Major Programs in Function—The Agriculture function includes funds for direct assistance and loans to food and fiber producers, crop insurance, export assistance, market information and inspection services, and agricultural research and services.

House Resolution—The House resolution revises the fiscal year 2000 levels to $35.7 billion in budget authority [BA] and $34.3 billion in outlays. For fiscal year 2001, the resolution sets forth $19.1 billion in BA and $16.9 billion in outlays. Over 5 years, it provides $88.0 billion in BA and $79.2 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $35.3 billion in BA and $33.9 billion in outlays. For fiscal year 2001, it sets forth $20.9 billion in BA and $18.8 billion in outlays. Over 5 years, it provides $91.3 billion in BA and $82.9 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $35.3 billion in BA and $33.9 billion in outlays. For fiscal year 2001, it sets forth $20.8 billion in BA and $18.7 billion in outlays. Over 5 years, it provides $89.7 billion in BA and $81.2 billion in outlays.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major Programs in Function—The mortgage credit component of this function includes housing assistance through the Federal Housing Administration [FHA], and rural housing programs of the Department of Agriculture. The function includes spending for deposit insurance activities related to banks, thrifts, and credit unions. Also included is the Commerce Department's National Institute of Standards and Technology, including the Advanced Technology Program; the International Trade Administration; the National Telecommunications and Information Administration; the Bureau of the Census; and the Patent and Trademark Office. Also appearing in this function are independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the Federal Communications Commission. The function also includes net spending for the postal service, but these totals are off budget, and therefore are not reflected in the figures below.

House Resolution—The House resolution revises the fiscal year 2000 on-budget levels to $7.5 billion in budget authority [BA] and $3.1 billion in outlays. For fiscal year 2001, the resolution sets forth on-budget levels of $6.3 billion in BA and $2.3 billion in outlays. Over 5 years, it provides on-budget amounts of $51.6 billion in BA and $30.3 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 on-budget levels to $7.6 billion in BA and $3.1 billion in outlays. For fiscal year 2001, it sets forth on-budget levels of $6.1 billion in BA and $2.0 billion in outlays. Over 5 years, it provides on-budget amounts of $50.9 billion in BA and $29.2 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 on-budget levels to $7.6 billion in BA and $3.1 billion in outlays. For fiscal year 2001, it sets forth on-budget levels of $6.2 billion in BA and $2.2 billion in outlays. Over 5 years, it provides on-budget amounts of $51.2 billion in BA and $29.8 billion in outlays.

FUNCTION 400: TRANSPORTATION

Major Programs in Function—This function supports all major Federal transportation programs. About two-thirds of the funding provided here is for ground transportation programs. This includes the Federal-aid highway program, mass transit operating and capital assistance, motor carrier safety, rail transportation through the National Railroad Passenger Corporation [Amtrak], and high-speed rail and rail safety programs. Additional components of this function are air transportation, including the Federal Aviation Administration airport improvement program, the facilities and equipment program, and operations and research; water transportation through the Coast Guard and the Maritime Administration; and other transportation support activities. Funds for air transportation programs under the auspices of NASA are distributed through this function as well.

House Resolution—The House resolution revises the fiscal year 2000 levels to $54.3 billion in budget authority [BA] and $46.6 billion in outlays. For fiscal year 2001, it sets forth $59.2 billion in BA and $50.3 billion in outlays. Over 5 years, it provides $293.0 billion in BA and $267.8 billion in outlays.

Senate Amendment—The Senate amendment revises the fiscal year 2000 levels to $54.4 billion in BA and $46.7 billion in outlays. For fiscal year 2001, it sets forth $59.5 billion in BA and $51.1 billion in outlays. Over 5 years, it provides $294.5 billion in BA and $272.7 billion in outlays.

Conference Agreement—The Conference Agreement revises the fiscal year 2000 levels to $54.4 billion in BA and $46.7 billion in outlays. For fiscal year 2001, it sets forth $59.3 billion in BA and $50.5 billion in outlays. Over 5 years, it provides $293.5 billion in BA and $270.0 billion in outlays.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major Programs in Function.—The Community and Regional Development function reflects programs that provide Federal funding for economic and community development in both urban and rural areas. Funding for disaster relief and insurance—including activities of the Federal Emergency Management Agency—also is provided in this function.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $11.2 billion in budget authority [BA] and $10.8 billion in outlays. For fiscal year 2001, the resolution sets forth $9.1 billion in BA and $11.1 billion in outlays. Over 5 years, it provides $42.9 billion in BA and $45.7 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $11.3 billion in BA and $10.7 billion in outlays. For fiscal year 2001, it sets forth $9.3 billion in BA and $10.4 billion in outlays. Over 5 years, it provides $44.2 billion in BA and $45.3 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $11.3 billion in BA and $10.7 billion in outlays. For fiscal year 2001, it sets forth $9.3 billion in BA and $10.7 billion in outlays. Over 5 years, it provides $43.6 billion in BA and $44.7 billion in outlays.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Major Programs in Function.—Forty-five percent of the funding in the Education, Training, Employment, and Social Services function is for Federal programs in elementary, secondary, and vocational education. Also shown here are funds for higher education programs, accounting for about 23 percent of the function's spending; research and general education aids, including the National Endowment for the Arts and the National Endowment for the Humanities; training and employment services; other labor services; and grants to States for general social services and rehabilitation services, such as the Social Services Block Grant and vocational rehabilitation.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $57.7 billion in budget authority [BA] and $61.4 billion in outlays. For fiscal year 2001, it sets forth $72.6 billion in BA and $69.2 billion in outlays. Over 5 years, it provides $375.5 billion in BA and $362.2 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $57.7 billion in BA and $61.9 billion in outlays. For fiscal year 2001, it sets forth $75.6 billion in BA and $68.8 billion in outlays. Over 5 years, it provides $387.5 billion in BA and $374.1 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $57.7 billion in BA and $61.9 billion in outlays. For fiscal year 2001, it sets forth $72.6 billion in BA and $68.7 billion in outlays. Over 5 years, it provides $378.0 billion in BA and $365.9 billion in outlays.

FUNCTION 550: HEALTH

Major Programs in Function.—The Health function consists of health care services, including Medicaid, the Nation's major program covering medical and long-term care costs for low-income persons; health research and training; and consumer and occupational health and safety. Medicaid represents about 73 percent of the spending in this function.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $159.3 billion in budget authority [BA] and $152.3 billion in outlays. For fiscal year 2001, the resolution sets forth $169.7 billion in BA and $167.1 billion in outlays. Over 5 years, it provides $968.1 billion in BA and $960.9 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $159.2 billion in BA and $153.5 billion in outlays. For fiscal year 2001, it sets forth $170.8 billion in BA and $167.4 billion in outlays. Over 5 years, it provides $967.3 billion in BA and $960.7 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $159.2 billion in BA and $153.5 billion in outlays. For fiscal year 2001, it sets forth $169.6 billion in BA and $165.9 billion in outlays. Over 5 years, it provides $967.0 billion in BA and $959.3 billion in outlays.

FUNCTION 570: MEDICARE

Major Programs in Function.—This function reflects the Medicare Part A Hospital Insurance [HI] Program, Part B Supplementary Medical Insurance [SMI] Program, and premiums paid by qualified aged and disabled beneficiaries. It includes the ''Medicare+Choice'' Program, which covers Part A and Part B benefits and allows beneficiaries to choose certain private health insurance plans. Medicare+Choice plans may include health maintenance organizations, preferred provider organizations, provider-sponsored organizations, medical savings accounts, and private fee-for-service plans. These plans may add benefits such as outpatient prescription drug coverage, and may cover premiums, copayments, and deductibles required by the traditional Medicare Program.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $199.6 billion in budget authority [BA] and $199.5 billion in outlays. For fiscal year 2001, the resolution sets forth $215.7 billion in BA and $216.0 billion in outlays. Over 5 years, it provides $1,211.0 billion in BA and $1,211.3 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $199.6 billion in BA and $199.5 billion in outlays. For fiscal year 2001, it sets forth $218.8 billion in BA and $219.0 billion in outlays. Over 5 years, it provides $1,251.2 billion in BA and $1,251.4 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $199.6 billion in BA and $199.5 billion in outlays. For fiscal year 2001, it sets forth $217.7 billion in BA and $218.0 billion in outlays. Over 5 years, it provides $1,251.1 billion in BA and $1,251.3 billion in outlays.

FUNCTION 600: INCOME SECURITY

Major Programs in Function.—The Income Security function covers most of the Federal Government's income support programs. The function includes general retirement and disability insurance (excluding Social Security)—mainly through the Pension Benefit Guaranty Corporation—and benefits to railroad retirees. Other components are Federal employee retirement and disability benefits (including military retirees); unemployment compensation; low-income housing assistance; food and nutrition assistance; and other income security programs. This last category includes Temporary Assistance to Needy Families [TANF], the Government's principal welfare program; Supplemental Security Income [SSI]; and spending for the refundable portion of the Earned Income Credit [EIC]. Agencies involved in these programs include the Departments of Agriculture, Health and Human Services, Housing and Urban Development, and Education; the Social Security Administration (for SSI); and the Office of Personnel Management (for Federal retirement benefits).

House Resolution.—The House resolution revises the fiscal year 2000 levels to $238.4 billion in budget authority [BA] and $248.0 billion in outlays. For fiscal year 2001, the resolution sets forth $252.2 billion in BA and $254.9 billion in outlays. Over 5 years, it provides $1,363.0 billion in BA and $1,371.7 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $238.9 billion in BA and $248.1 billion in outlays. For fiscal year 2001, it sets forth $253.2 billion in BA and $255.4 billion in outlays. Over 5 years, it provides $1,375.5 billion in BA and $1,390.7 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $238.9 billion in BA and $248.1 billion in outlays. For fiscal year 2001, it sets forth $252.3 billion in BA and $255.0 billion in outlays. Over 5 years, it provides $1,369.8 billion in BA and $1,381.9 billion in outlays.

FUNCTION 650: SOCIAL SECURITY

Major Programs in Function.—Function 650 consists of the Social Security Program, or Old Age, Survivors, and Disability Insurance [OASDI]. It is the largest budget function in terms of outlays, and provides funds for the Government's largest entitlement program. Under provisions of the Budget Enforcement Act, Social Security trust funds are off budget. However, the administrative expenses of the Social Security Administration [SSA], which manages the program, and the income taxes collected on Social Security benefits are reflected in the figures below.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget levels to $14.7 billion in budget authority [BA] and outlays. For fiscal year 2001, the resolution sets forth on-budget totals of $13.1 billion in BA and $13.0 billion in outlays. Over 5 years, it provides on-budget amounts of $77.7 billion in BA and $77.4 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget levels to $11.5 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget totals of $9.7 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $60.4 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget levels to $11.5 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget totals of $9.7 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $60.4 billion in BA and outlays.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

Major Programs in Function.—The Veterans Benefits and Services function reflects funding for the Department of Veterans Affairs [VA], which provides benefits to veterans who meet various eligibility rules. Benefits range from income security for veterans; veterans education, training, and rehabilitation services; and veterans' hospital and medical care. As of 1 July 1999, there were about 25 million veterans, and about 45 million family members of living veterans and survivors of deceased veterans.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $46.0 billion in budget authority [BA] and $45.2 billion in outlays. For fiscal year 2001, it sets forth $47.8 billion in BA and $47.4 billion in outlays. Over 5 years, it provides $254.9 billion in BA and $253.5 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $46.0 billion in BA and $45.1 billion in outlays. For fiscal year 2001, it sets forth $48.6 billion in BA and $48.1 billion in outlays. Over 5 years, it provides $257.9 billion in BA and $256.3 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $46.0 billion in BA and $45.1 billion in outlays. For fiscal year 2001, it sets forth $47.8 billion in BA and $47.4 billion in outlays. Over 5 years, it provides $255.1 billion in BA and $253.7 billion in outlays.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major Programs in Function.—This function provides funding for Federal law enforcement activities. This includes criminal investigations by the Federal Bureau of Investigation and the Drug Enforcement Administration, and border enforcement and the control of illegal immigration by the Customs Service and Immigration and Naturalization Service. Also funded through this function are the Federal courts, Federal prison construction, and criminal justice assistance.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $27.3 billion in budget authority [BA] and $28.0 billion in outlays. For fiscal year 2001, the resolution sets forth $28.0 billion in BA and outlays. Over 5 years, it provides $140.3 billion in BA and $139.9 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $27.4 billion in BA and $28.0 billion in outlays. For fiscal year 2001, it sets forth $28.2 billion in BA and $28.3 billion in outlays. Over 5 years, it provides $149.3 billion in BA and $149.2 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $27.4 billion in BA and $28.0 billion in outlays. For fiscal year 2001, it sets forth $28.0 billion in BA and $28.1 billion in outlays. Over 5 years, it provides $143.1 billion in BA and $142.9 billion in outlays.

FUNCTION 800: GENERAL GOVERNMENT

Major Programs in Function.—The General Government function consists of the activities of the Legislative Branch; the Executive Office of the President; general tax collection and fiscal operations of the Department of Treasury (including the Internal Revenue Service, which accounts for almost two-thirds of the spending in this function); the property and personnel costs of the General Services Administration and the Office of Personnel Management; general purpose fiscal assistance to States, localities, the District of Columbia, and territories of the United States; and other general activities of the Federal Government.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $13.9 billion in budget authority [BA] and $14.7 billion in outlays. For fiscal year 2001, the resolution sets forth $13.6 billion in BA and $14.2 billion in outlays. Over 5 years, it provides $67.8 billion in BA and $69.0 billion in outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 levels to $13.7 billion in BA and $14.7 billion in outlays. For fiscal year 2001, it sets forth $14.4 billion in BA and $14.3 billion in outlays. Over 5 years, it provides $68.8 billion in BA and $69.4 billion in outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 levels to $13.7 billion in BA and $14.7 billion in outlays. For fiscal year 2001, it sets forth $14.0 billion in BA and $14.3 billion in outlays. Over 5 years, it provides $68.4 billion in BA and $69.4 billion in outlays.

FUNCTION 900: NET INTEREST

Major Programs in Function.—Net Interest is the interest paid for the Federal Government's borrowing minus the interest income received by the Federal Government. Interest is a mandatory payment, with no discretionary components.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget levels to $284.6 billion in budget authority [BA] and outlays. For fiscal year 2001, it sets forth on-budget levels of $288.5 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $1,420.5 billion in BA and outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget levels to $284.7 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of $289.0 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $1,431.7 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget levels to $284.6 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of $288.6 billion in BA and outlays. Over 5 years, it provides on-budget amounts of $1,427.3 billion in BA and outlays.

FUNCTION 920: ALLOWANCES

Major Programs in Function.—The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross various other budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget functions.

House Resolution.—The House resolution revises the fiscal year 2000 levels to $8.5 billion in budget authority [BA] and $11.5 billion in outlays. For fiscal year 2001, the resolution sets forth −$4.7 billion in BA and −$8.7 billion in outlays. Over 5 years, it provides −$18.1 billion in BA and −$20.2 billion in outlays.

Senate Amendment.—The Senate amendment has no effect on fiscal year 2000 levels. For fiscal year 2001, it sets forth −$6.0 billion in BA and −$5.6 billion in outlays; and over 5 years, −$8.0 billion in BA and −$26.6 billion in outlays.

Conference Agreement.—The Conference Agreement has no effect on the fiscal year 2000 levels. For fiscal year 2001, it sets forth −$5.5 billion in BA and −$4.6 billion in outlays. Over 5 years, it provides −$15.0 billion in BA and −$23.0 billion in outlays.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major Programs in Function.—Receipts recorded in this function are either intrabudgetary (a payment from one Federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some kind of business transaction with the Government). The main types of receipts recorded in this function are: the payments Federal employees and agencies make to employee retirement trust funds; payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf; and payments by those who bid for the right to buy or use public property or resources, such as the electromagnetic spectrum. These receipts are treated as negative spending.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget levels to -$34.1 billion in budget authority [BA] and outlays. For fiscal year 2001, it sets forth on-budget levels of -$38.4 billion in BA and outlays. Over 5 years, it provides on-budget amounts of -$197.7 billion in BA and outlays.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget levels to -$34.3 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of -$38.4 billion in BA and outlays. Over 5 years, it provides on-budget amounts of -$200.6 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget levels to -$34.3 billion in BA and outlays. For fiscal year 2001, it sets forth on-budget levels of -$38.3 billion in BA and outlays. Over 5 years, it provides on-budget amounts of -$197.6 billion in BA and outlays.

REVENUES

Section 301(a)(2) of the Budget Act requires the budget resolution to include the total Federal revenues and the amount, if any, by which the aggregate levels of Federal revenues should be increased or decreased.

House Resolution.—The House resolution revises the fiscal year 2000 on-budget revenue level to $1,465.5 billion. It sets forth on-budget revenues of $1,504.8 billion in fiscal year 2001 and $8,022.4 billion over 5 years.

Senate Amendment.—The Senate amendment revises the fiscal year 2000 on-budget revenue level to $1,464.6 billion. It sets forth on-budget revenues of $1,501.8 billion for fiscal year 2001 and $8,025.4 billion over 5 years.

Conference Agreement.—The Conference Agreement revises the fiscal year 2000 on-budget revenue level to $1,465.5 billion. It sets forth on-budget revenues of $1,503.2 billion in fiscal year 2001 and $8,022.4 billion over 5 years.

The revenue levels in the Conference Agreement can accommodate tax relief and fairness legislation that has already begun to move in the current session of the 106th Congress. In addition, the revenue levels in the Conference Agreement would accommodate the revenue effects from legislation that would permit members of the Armed Forces to participate in the Thrift Savings Plan.

RECONCILIATION INSTRUCTIONS

Under section 310(a) of the Budget Act, the budget resolution may include directives to the committees of jurisdiction to make revisions in law necessary to accomplish a specified change in new budget authority or revenue. If the resolution includes directives to only one committee of the House or Senate, then that committee is required to directly report to its House legislative language of its design that would implement the spending or revenue changes provided for in the resolution. Any bill considered pursuant to a reconciliation instruction is subject to special procedures set forth in section 310(b), (c), (d), and (e) and section 313 of the Budget Act.

House resolution

Section 4 contains two sets of instructions to the Committee on Ways and Means: one for tax relief, and the other for debt reduction. The reporting schedule for the tax bills is as follows: first bill, May 26; second bill, June 23; third bill, July 28; and fourth bill, September 22. The bills providing for a reduction in debt held by the public coincide with the first and last tax bills on May 26 and September 22. The Committee assumes it will be unnecessary to consider the second debt reduction bill if the President agrees to the earlier reconciliation bills.

Subsection (a) directs the Committee on Ways and Means to report legislation that will achieve a reduction in revenue of $10 billion in fiscal year 2001 and $150 billion over 5 years. Although the budget resolution assumes a year-to-year distribution of the revenue reduction for the tax bills, the Ways and Means Committee bill may be higher or lower than these year-to-year levels as long as the net revenue loss does not exceed the first-year and five-year totals.

Subsection (b) directs the Committee on Ways and Means to report two bills that would reduce the level of debt held by the public: the first bill must reduce debt by $10 billion in fiscal year 2001 and the second bill must reduce debt by no more than $20 billion in fiscal year 2001.

Senate amendment

The Senate amendment contains a reconciliation instruction to reduce revenues by not more than $13.033 billion for fiscal year 2001 and by not more than $147.087 billion for the sum of the fiscal years 2001 through 2005.

The Senate Finance Committee would be required to report reconciliation legislation by September 22, 2000.

Conference agreement

Section 103 of the Conference Agreement includes instructions to the Committee on Ways and Means to report two bills that reduce revenue by a total of $11.6 billion for fiscal year 2001 and $150 billion for the period of fiscal year 2001 through 2005. The Committee on Ways and Means is required to report the first bill to the House on July 14 and the second bill on September 13.

In addition, the Conference Agreement directs the Committee on Ways and Means to report two separate bills that reduce debt held by the public. The first bill must reduce debt held by the public by $7.5 billion and the second by up to $19.1 billion. The conferees intend for the second bill to lock in for debt reduction any part of the amounts assumed for tax relief if the tax bills do not become law. These bills are to be reported by July 14 and September 13, respectively. While the reporting dates for these two bills coincide with the deadlines for the two tax bills, they are to be reported as separate freestanding bills.

Section 104 of the Conference Agreement provides for two reconciliation bills in the Senate (the first, reported from the Senate Finance Committee by July 14, 2000, and the second reported from the Senate Finance Committee by September 13, 2000). The sum of the bills (if both were to be enacted) may not exceed $11.6 billion for 2001 and $150 billion for fiscal years 2001 through 2005.

302(a) ALLOCATIONS

As required in section 302(a) of the Budget Act, the joint statement of managers includes an allocation, based on the Conference Agreement, of total budget authority and total outlays for each House and Senate committee.

Conference Agreement

The joint statement of managers establishes allocations that are consistent with the budgetary totals and functional levels in Title I. The joint statement establishes allocations for the budget year, fiscal year 2001, and each of the out-years covered by the budget resolution, fiscal years 2001 through 2005. In addition, the joint statement provides a revised allocation for fiscal year 2000.

In the House, the 302(a) allocation to the Appropriations Committee is also divided into separate categories for general purpose discretionary, mass transit and highways. The allocations to the authorizing committees in the House are also divided into current law, assumed discretionary action levels, and reauthorizations.

As required under section 302(a), the allocations for the House and the Senate are also displayed in three separate discretionary categories that are consistent with the limits set forth in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 [Deficit Control Act]: general purpose discretionary, mass transit, and highways.

Although this resolution revises the levels for fiscal year 2000, new allocations to Senate Committees are not displayed herein because there is no further change from current law assumed for 2000 in this resolution that needs to be allocated.

The 302(a) allocations are as follows:

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

[In millions of dollars]

	2000	2001
General Purpose: [1]		
BA	570,315	599,040
OT	575,688	592,771
Highways: [1]		
BA	0	0
OT	24,393	27,314
Mass Transit: [1]		
BA	0	1,255
OT	4,570	4,994
Violent Crime: [1]		
BA	4,486	na
OT	6,999	na
Total Discretionary Action:		
BA	574,801	600,295
OT	611,650	625,079
Current Law Mandatory:		
BA	307,642	325,936
OT	293,762	309,098

[1] Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

[Committees other than appropriations]

[In millions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Agriculture Committee							
Current Law:							
BA	$25,763	14,463	13,647	3,338	3,185	3,189	37,822
OT	21,623	10,748	10,241	−237	−248	−90	20,214
Discretionary Action:							
BA	0	1,422	1,525	1,657	1,745	1,848	8,197
OT	0	655	1,459	1,583	1,696	1,791	7,184
Reauthorizations:							
BA	0	0	0	29,866	29,968	29,294	89,128
OT	0	0	0	28,914	29,922	29,254	88,090
Total:							
BA	25,763	15,885	15,172	34,861	34,898	34,331	135,147
OT	21,623	11,403	11,700	30,260	31,370	30,755	115,488
Armed Services Committee							
Current Law:							
BA	48,603	50,142	51,686	53,321	55,120	57,044	267,313
OT	48,786	50,126	51,629	53,234	55,034	56,954	266,977
Banking and Financial Services Committee							
Current Law:							
BA	2538	4050	4925	4479	3992	3938	21384
OT	−3,800	−2,142	−1,019	−1,294	−2,425	−2,361	−9,241
Discretionary Action:							
BA	0	0	0	0	0	0	0
OT	0	−107	−225	−304	−332	−361	−1,329
Total:							
BA	2,538	4,050	4,925	4,479	3,992	3,938	21,384
OT	−3,800	−2,249	−1,244	−1,598	−2,757	−2,722	−10,570
Committee on Education and the Workforce							
Current Law:							
BA	2,746	5,673	5,731	5,310	4,842	5,050	26,606
OT	1,638	4,928	5,177	4,962	4,551	4,559	24,177
Reauthorizations:							
BA	0	0	305	305	791	814	2,215
OT	0	0	58	244	699	810	1,811
Total:							
BA	2,746	5,673	6,036	5,615	5,633	5,864	28,821
OT	1,638	4,928	5,235	5,206	5,250	5,369	25,988
Commerce Committee							
Current Law:							
BA	7,810	8,265	8,799	10,374	15,153	16,240	58,831
OT	5,267	6,516	9,024	9,902	15,311	16,329	57,082
International Relations Committee							
Current Law:							
BA	9,908	11,385	11,715	11,799	11,813	12,098	58,810
OT	10,057	10,129	10,426	10,580	10,818	11,019	52,972
Government Reform Committee							
Current Law:							
BA	58,939	60,323	62,581	64,886	67,334	69,857	324,981
OT	57,462	58,905	61,212	63,575	66,128	68,719	318,539
Committee on House Administration							
Current Law:							
BA	120	113	87	89	86	87	462
OT	291	68	32	58	252	41	451
Resources Committee							
Current Law:							
BA	2,465	2,546	2,307	2,314	2,362	2,451	11,980
OT	2,446	2,493	2,339	2,431	2,378	2,400	12,041
Discretionary Action:							
BA	0	0	41	40	40	41	162
OT	0	0	−18	1	23	38	44
Total:							
BA	2,465	2,546	2,348	2,354	2,402	2,492	12,142
OT	2,446	2,493	2,321	2,432	2,401	2,438	12,085
Judiciary Committee							
Current Law:							
BA	3,688	5,590	5,177	5,261	5,333	5,332	26,693
OT	3,546	5,076	5,149	5,115	5,115	5,249	25,704
Transportation and Infrastructure Committee							
Current Law:							
BA	47,668	51,193	49,090	49,765	12,224	12,271	17,4543
OT	9,923	9,747	9,700	9,701	9,508	9,213	47,869
Reauthorizations:							
BA	0	0	0	0	37,578	37,578	75,156
OT	0	0	0	0	104	306	410
Total:							
BA	47,668	51,193	49,090	49,765	49,802	49,849	249,699
OT	9,923	9,747	9,700	9,701	9,612	9,519	48,279
Science Committee							
Current Law:							
BA	90	81	60	61	62	62	326
OT	70	79	86	73	64	62	364
Small Business Committee							
Current Law:							
BA	−295	0	0	0	0	0	0
OT	−460	−195	−160	−150	−140	−100	−745
Veterans' Affairs Committee							
Current Law:							
BA	1,657	1,367	1,365	1,368	1,379	1,358	6,837
OT	1,417	1,273	1,392	1,355	1,372	1,359	6,751
Discretionary Action:							
BA	0	510	1,044	1,271	1,841	2,614	7,280
OT	0	479	998	1,224	1,791	2,545	7,037
Total:							
BA	1,657	1,877	2,409	2,639	3,220	3,972	14,117
OT	1,417	1,752	2,390	2,579	3,163	3,904	13,788
Ways and Means Committee							
Current Law:							
BA	671,727	697,871	712,893	716,096	736,022	763,480	3,626,362
OT	669,844	696,956	712,378	714,907	734,695	761,823	3,620,759

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES—Continued

[Committees other than appropriations]

[In millions of dollars]

	2000	2001	2002	2003	2004	2005	2001–05
Reauthorizations:							
BA	0	0	215	19,718	19,919	19,925	59,777
OT	0	0	155	19,875	20,787	21,095	61,912
Discretionary Action:							
BA	−50	55	1,356	1,484	167	−27	3,035
OT	0	25	1,375	1,502	162	−26	3,038
Total:							
BA	671,677	697,926	714,464	737,298	756,108	783,378	3,689,174
OT	669,844	696,981	713,908	736,284	755,644	782,892	3,685,709

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2001

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	541,095	547,279	0	0
Memo: on-budget	537,688	543,948		
Off-budget	3,407	3,331		
Highways	0	26,920	0	0
Mass Transit	0	4,639	0	0
Mandatory	327,879	310,226	0	0
Total	868,974	889,064	0	0
Agriculture, Nutrition, and Forestry	14,254	10,542	29,517	11,943
Armed Services	50,139	50,129	0	0
Banking, Housing and Urban Affairs	4,050	−2,339	0	0
Commerce, Science, and Transportation	7,341	3,433	739	737
Energy and Natural Resources	2,429	2,373	40	51
Environment and Public Works	39,643	2,029	0	0
Finance	708,475	705,890	165,436	165,915
Foreign Relations	11,364	10,107	0	0
Governmental Affairs	60,323	58,905	0	0
Judiciary	5,590	5,076	253	253
Health, Education, Labor, and Pensions	9,959	9,181	1,382	1,381
Rules and Administration	113	68	0	0
Veterans' Affairs	1,497	1,493	24,527	24,444
Indian Affairs	192	189	0	0
Small Business	0	−195	0	0
Unassigned to Committee	−313,951	−296,951	0	0
Total	1,470,392	1,448,994	221,894	204,724

IMPLEMENTATION AND ENFORCEMENT OF LEVELS

Section 301(b)(4) of the Budget Act permits the resolution to ''. . . require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act.'' Authority for Congress to determine its own rules is set forth in Section 5 of Article I of the United States Constitution. Under these authorities, budget resolutions have formulated congressional procedures to enforce budgetary limitations, accommodated legislation with costs not reflected in the resolution, and implemented the levels and assumptions set forth by the resolution.

ENFORCEMENT PROCEDURES

The Budget Act establishes procedures to enforce the levels set forth in the budget resolution. The budget resolution also can establish additional rules to enforce the budgetary levels it sets forth. Most budget-related rules so established are enforced through points of order that can be raised by any Member of the appropriate House immediately prior to the consideration of legislation. Usually such points of order may be raised against any bill or joint resolution, amendments thereto or a Conference Agreement thereon. In some cases, the points of order apply to certain motions.

House resolution

Section 5 extends an existing point of order established to prevent Social Security surpluses from being reduced. Subsection (a) provides various findings relating to the budgetary status of Social Security.

Subsection (b) establishes a freestanding rule prohibiting the consideration in the House or the Senate of any budget resolution that sets forth an on-budget deficit. It recognizes that if the budget resolution provides for an on-budget deficit, it is implicitly relying on Social Security to finance the general operations of the Federal Government. Paragraph (2) clarifies that, for purposes of that section, deficit levels are those set forth in the resolution pursuant to section 301 of the Budget Act.

Section 6 prohibits the House from considering legislation that would reduce the surplus below the levels set forth in section 2(4) of the resolution (as adjusted for the reserve funds). The reason for this new rule is to ensure that the portion of the surplus reserved for tax cuts is used to pay down the debt if the tax reductions do not become law. Under current law, committees can circumvent the allocations, aggregates and discretionary limits by simply designating legislation an emergency. This designation results in a dollar-for-dollar increase in the allocations, aggregates, and discretionary spending limits. As one committee recently observed in a report accompanying a bill, the only real constraint on such committees is the adverse publicity that would result if the emergency-designated appropriations resulted in an on-budget deficit.

This restriction is enforced by a point of order which, if sustained, would preclude further consideration of an offending measure. The point of order would apply to both tax and spending bills. With respect to spending bills, the point of order would apply to both direct spending bills reported by authorizing committees and appropriations bills reported by the Appropriations Committee. For the purpose of the point of order, the surplus is the amount established in section 2(4). These levels are adjusted for the revenue legislation set forth in the reconciliation instructions in section 4 and are subject to the adjustments and reserve funds provided for in the resolution.

Section 31 establishes two new restrictions designed to prevent the House from considering legislation that circumvents the allocations and aggregates set forth in the budget resolution. Both restrictions are enforceable through points of order that preclude consideration of an offending measure. The points of order may be raised against any reported bill, joint resolution, amendment to such a measure or any resulting Conference Agreement. They are applicable in both the House and the Senate. These two restrictions are outlined below.

Subsection (a) prohibits the consideration of legislation that would direct the Congressional Budget Office [CBO] or the Office of Management and Budget [OMB] to estimate the costs of a measure in a specified manner. This subsection assumes that any type of directed scoring is intended to circumvent a committee's allocation, the budget resolution's aggregate levels of budget authority and outlays, or the discretionary spending limits set forth in the Deficit Control Act. In the absence of such directed scoring, CBO and OMB are required to adhere to scoring conventions set forth in sections 257 of the Deficit Control Act and the joint statement of managers accompanying the Balanced Budget Act of 1997 (H. Rept. 105–217).

Subsection (b)(1) prohibits the consideration of legislation that would provide an amount of advance discretionary spending exceeding $23 billion. Subsection (b)(2) defines an advance appropriation as any general appropriation for fiscal year 2001 that would provide budget authority first made available in fiscal year 2002 or later. A significant level of advanced appropriations is permitted because in some programmatic areas, such as education, the planning cycle of State or local government recipients does not coincide with the Federal budget cycle.

These governments need to know in advance how much they will receive from the Federal Government in order to accurately develop their budgets.

The Committee assumes that in order to advise the presiding officer on a point of order, the chairman will monitor the current level of enacted advanced appropriations in conjunction with the Current Level reports required by sections 302(f), 311(a), and Rule 26 of the Rules of Procedure for the House Budget Committee.

Senate amendment

Section 201: Congressional Lockbox for Social Security Surpluses. The Senate amendment contains language which is very similar to section 201 of the Conference Agreement on the fiscal year 2000 budget resolution. This ''Social Security lockbox,'' as it is known, provides a point of order in both the House of Representatives and the Senate against a budget resolution that sets forth an on-budget deficit for any fiscal year. This ensures that Social Security surpluses can not be used to finance deficit spending.

The point of order will now be permanent and in the Senate will require 60 votes for a waiver or to sustain an appeal. In addition, a ''double lock'' is now attached to this lockbox point of order by adding a ''lookback''. The ''lookback'' requires that after the end of the fiscal year, in its next budget resolution, Congress must look back to see if any deficit spending has occurred and make the Social Security trust fund whole in the subsequent year by reducing future discretionary spending by an equivalent amount.

Section 207: Emergency Designation Point of Order in the Senate. The Senate amendment contains language which provides a 60–vote point of order in the Senate against any legislation (including Conference Agreements) that contains an emergency designation with respect to any spending or revenues. Subsection (g) contains an exception for all discretionary defense spending. This section is very similar to section 206 of the Conference Agreement on the fiscal year 2000 budget resolution with one exception: the point of order is now permanent. As was the case last year, the point of order would operate similar to the Senate's Byrd Rule (section 313 of the Budget Act) in that if the point of order is sustained, the offending language (in this case the emergency designation) can be excised from the bill, amendment or Conference Agreement, leaving the remainder intact. This is likely to result in the remaining language then being subject to some other Budget Act point of order because the additional spending would then be scored against either the discretionary spending limits, the section 311 aggregates, or a committee's allocation.

Section 208: Reserve Fund Pending the Increase of fiscal year 2001 Discretionary Spending Limits. Section 312(b) of the Budget Act provides a 60–vote point of order in the Senate against any legislation that exceeds the discretionary spending limits set forth in section 251 of the Deficit Control Act. This point of order applies to a concurrent resolution on the budget as well as substantive legislation. Sustaining the current discretionary spending limits is not feasible based on recent budget submissions by President Clinton and congressional action.

The Senate amendment envisions a level of discretionary spending which exceeds the current statutory limits. However, because of the restrictions of section 312(b), the functional totals and spending aggregates contained in this resolution technically indicate a level of discretionary spending that adheres to the current-law limits. The section 302(a) allocation to the Committee on Appropriations is also in compliance with the current limits. This is achieved by assuming a reserve amount within function 920 (allowances).

The Senate amendment contains language which provides the chairman of the Committee on the Budget in the Senate with the authority to adjust the section 302(a) allocation to the Committee on Appropriations up to the level of discretionary spending envisioned by the resolution, only after legislation has been enacted that increases the statutory discretionary spending limits. For the purposes of this section, the Senate amendment assumes that only the fiscal year 2001 limits will be increased. No assumption is made with respect to the appropriate level for fiscal year 2002. The Senate amendment also intends that in order to maintain mathematical consistency and accurate enforcement of the budget resolution, the chairman will also be authorized to adjust the aggregates contained in the resolution. Therefore it will be necessary to amend the language of section 208 to provide the chairman with this additional authority.

Section 209: Congressional Firewall for Defense and Non-Defense Spending. The Senate amendment contains language that, upon the enactment of legislation which increases the discretionary spending limits for fiscal year 2001, establishes a ''firewall'' between defense and nondefense discretionary spending in the Senate. This firewall consists of limits on the overall level of both defense and nondefense spending. The nondefense portion includes the outlays for both highways and mass transit. These limits will be enforced by a 60-vote point of order against a measure that exceeds the limits.

Section 210: Mechanisms for Strengthening Budgetary Integrity. The Senate amendment contains language establishing two new points of order in the Senate, one with respect to advanced appropriations and the other with respect to delayed obligations. Both points of order require 60–votes for a waiver or to sustain an appeal of the ruling of the Chair. Similar to the emergency designation point of order in section 207 of the Senate amendment, these points of order also operate like the Byrd Rule: if the point of order is sustained, the offending language will be excised from the measure—including the Conference Agreement. Both points of order expire at the end of fiscal year 2002 in keeping with the lifetime of the current discretionary spending limits.

Section 210(b) of the Senate amendment provides a point of order against any appropriation that results in the sum of all advances from fiscal year 2001 into fiscal year 2002 (or into any subsequent fiscal year) in excess of the amounts that were advanced from fiscal year 2000 into fiscal year 2001 for education programs ($23 billion).

Section 210(c) of the Senate amendment provides a point of order against the use of any delayed obligations in an appropriations bill with specific exceptions for any delays in the defense category and any reoccurring or customary delays (including a date and a dollar limitation) that are listed in this section. These specified delays total approximately $11.2 billion.

Section 210(g) of the Senate amendment provides guidance for interpreting the germaneness requirement found in section 305(b)(2) of the Budget Act . Section 305 requires that all amendments offered on the floor to a budget resolution or a reconciliation bill must be germane to the underlying legislation and is enforced by a 60-vote point of order in the Senate. The Senate amendment states that an amendment will be considered not germane if it contains only precatory (non-binding) language. This is designed to place a 60–vote hurdle with respect to what is commonly referred to as ''sense of the Senate'' amendments. Note that it is not meant to preclude the inclusion of ''purpose'' or ''findings'' language that is part of an otherwise substantive amendment.

Conference agreement

Section 201 of the Conference Agreement extends section 201 of H. Con. Res. 68, which prohibits the consideration in both the House and the Senate of any budget resolution that sets forth an on-budget deficit. Subsection (a) makes various findings regarding the relationship between the Social Security surplus and the Federal budget. This section is enforceable by a point of order that may be waived by a majority vote in the House and a three-fifths vote in the Senate. The rule applies to any budget resolution establishing levels for fiscal year 2002 or revising the levels set forth in this resolution for fiscal year 2001. It also applies to amendments or Conference Agreements on such resolutions. As with other budget-related points of order, determinations of the appropriate levels are made by the Budget Committee of the appropriate House. The Conference Agreement includes the exception contained in the Senate amendment for periods of war or low economic growth.

Section 202 of the Conference Agreement establishes a procedure for preserving the surpluses set forth in the resolution. This procedure applies only to the House. Section 202 specifically prohibits the consideration of any measure in the House that would reduce the surplus below the level set forth in section 101(4) (as appropriately adjusted). It is enforced by a point of order which, if sustained, would preclude consideration of the measure. The House conferees intend for determinations of whether a measure would cause the surplus to be less than the levels in the budget resolution in the same manner as such determinations are made under Section 311(a) of the Budget Act.

In order to enforce this provision, the House Budget Committee will monitor the current level of the surplus, which is a function of enacted spending and tax legislation, and the surplus levels set forth in the budget resolution.

This point of order will not preclude the consideration of legislation assumed in the appropriate surplus levels for which adjustments are made pursuant to sections 214 through 220.

The House conferees intend this mechanism to ensure that the surpluses reserved for either tax relief or debt reduction are not used to finance higher spending. Under current law and the terms of recent budget resolutions, there is nothing to prevent spending and tax legislation from eroding the surplus set forth in the resolution. A measure may implicitly tap into this surplus by providing an appropriation for any program or purpose enumerated in section 314 of the Budget Act. Doing so automatically increases the levels in the budget resolution above their original amounts, thereby reducing the current level of the surplus. This mechanism is designed to prevent this from happening.

Section 203 of the Conference Agreement provides for the enhanced enforcement of budgetary limits. It applies only to the House. Subsection (a) prohibits consideration in the House of appropriation bills containing directed scoring language. A directed scoring provision is defined as legislative language that directs CBO or OMB how to estimate the discretionary new budget authority of a provision for budget enforcement purposes. The House conferees intend for appropriate scoring conventions to be used to enforce the budget resolution under the Budget Act, and the appropriations caps and pay-as-you-go [PAYGO] requirements set forth in the Deficit Control Act. The conferees recognize it may be necessary to occasionally waive this provision in order to assure that costs are scored to the appropriate committee in omnibus appropriations bills. This subsection expires on January 1, 2001.

Subsection (b)(1) prohibits the consideration in the House of legislation that would provide an amount of advance discretionary spending exceeding $23.5 billion. Subsection (b)(2) defines an advance appropriation as any general appropriation for fiscal year 2001 that would provide budget authority first made available in fiscal year 2002 or later. This subsection also expires on January 1, 2001.

Section 204 of the Conference Agreement contains language establishing two new points of order in the Senate, one with respect to advance appropriations and the other with respect to delayed obligations. Total advances are limited to $23.5 billion and permissible delays include only those which are recurring or customary or relate to discretionary defense spending. Both points of order require 60–votes for a waiver or to sustain an appeal of the ruling of the Chair. Similar to the emergency designation point of order in section 207 of the Senate amendment, these points of order also operate like the Byrd Rule: if the point of order is sustained, the offending language will be excised from the measure—including any conference agreement. Both points of order expire at the end of fiscal year 2002 in keeping with the lifetime of the current discretionary spending limits. The Conference Agreement also retains the provision from section 210(g) of the Senate Amendment with a modification.

Section 205 of the Conference Agreement retains the language from section 207 of the Senate amendment which establishes a 60-vote point of order in the Senate against legislation (including Conference Agreements) that contains an emergency designation with respect to any spending or revenues. Subsection (g) contains an exception for all discretionary defense spending. This section is very similar to section 206 of the Conference Agreement on the fiscal year 2000 budget resolution with one exception: the point of order is now made permanent. As was the case last year, the point of order would operate similarly to the Senate's Byrd Rule (section 313 of the Budget Act) in that if the point of order is sustained, the offending language (in this case the emergency designation) can be excised from the bill, amendment or Conference Agreement, leaving the remainder in tact. This is likely to result in the remaining language then being subject to some other Budget Act point of order because the additional spending would then be scored against either the discretionary spending limits, the section 311 aggregates, or a committee's allocation.

Section 206 of the Conference Agreement retains the language from section 208 of the Senate amendment and establishes a mechanism in the Senate for implementing an increase in fiscal year 2001 discretionary spending limits. This provision permits the chairman of the Senate Committee on the Budget to revise the section 302(a) allocation to the Committee on Appropriations (and other appropriate budgetary levels), once an increase in the discretionary spending limits for fiscal year 2001 is enacted.

Section 207 of the Conference Agreement retains the language of section 209 of the Senate amendment and provides that, upon the enactment of legislation increasing the discretionary spending limits for fiscal year 2001, there is established a ''firewall'' between defense and nondefense discretionary spending in the Senate. This firewall consists of limits on the overall level of both defense and nondefense spending. The nondefense portion includes the outlays for both highways and mass transit. These limits will be enforced by a 60–vote point of order against a measure that exceeds the limits.

The Senate's PAYGO point of order was modified in section 207 of the Conference Agreement on the fiscal year 2000 budget resolution to make clear that spending of on-budget surpluses would not violate the PAYGO rule. This rule continues in effect, unchanged by this resolution, and is reprinted below:

PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE

See Section 207 of H. Con. Res. 68 (106th Cong. 1st Sess.)

(a) PURPOSES.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term ''applicable time period'' means any one of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or Conference Agreement that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection the terms ''direct-spending legislation''and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or causes an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effects resulting from legislation enacted pursuant to the reconciliation instructions included in that concurrent resolution on the budget shall not be available.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 23 of House Concurrent Resolution 218 (103d Congress) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

The Senate amendment assumes that the on-budget surplus be placed on the Senate's PAYGO scorecard. The baseline on-budget surpluses are shown on the table below:

[In billions of dollars]

	Fiscal year—											
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	5 yr.	10 yr.
Baseline on-budget surplus	26.509	54.330	77.487	105.636	132.475	197.085	248.281	290.469	348.599	410.089	396.437	1,890.961

RESERVE FUNDS

Reserve funds are special procedures for adjusting the levels in the budget resolution to accommodate specified classes of legislation. Usually the cost of these bills is not assumed in either the total revenue and spending levels or the appropriate committee's 302(a) allocations. In the absence of the adjustments, any reported bill would exceed the reporting committees' allocations in violation of section 302(f) of the Budget Act, subjecting it to a point of order which could preclude the applicable House from considering the measure. The adjustments are usually automatically triggered by the consideration of a measure on the House or Senate floor. In the case of the reserve funds set forth herein, the adjustments may be made at the discretion of the Budget Committee chairman of the House in which the measure is being considered and are subject to various limitations.

House resolution

Section 7 establishes several procedures to ensure that an amount equal to the revenue reduction assumed for tax relief is used for that purpose, or, if the tax legislation is not enacted into law, used to reduce the public debt. Subsection (a) directs the Budget Committee chairman to reduce the aggregate by the amount that Federal revenues should be changed for fiscal year 2001 ($150 billion over 5 years) to zero. In subsection (b), this level is then increased as each of the reconciliation bills is considered by Congress. Because only specified bills would cause the adjustment to be made, any other bill that would use the revenue for other purposes would be subject to a point of order.

Section 8 provides a reserve fund of $50 billion that may be used for tax relief or debt reduction. Any part of this reserve fund used for tax relief would be in addition to the tax relief assumed in section 2(1). If the Committee on Ways and Means reports legislation reducing revenue by an amount in excess of its reconciliation instructions, subsection (b) allows the Budget Committee chairman to increase the aggregate level of revenue reduction by that amount. The total increase under this section, however, may not exceed $5.155 billion in fiscal year 2001 and $50 billion over 5 years.

Section 9 provides for an adjustment in the appropriate levels of the budget resolution if the Congressional Budget Office [CBO] releases a report projecting an increase in the on-budget surplus. If there is an increase in the surplus relative to the CBO estimates underlying the budget resolution, the Budget Committee chairman has the option to choose among any combination of the following: increasing the allocations to the authorizing committees; increasing the allocation of debt held by the public; and increasing the amount of revenue reduction. The sum of the adjustments may not exceed the projected increase in the surplus for fiscal year 2000 and for the period of fiscal years 2001 through 2005 included in the updated CBO report. Additionally, section 9 permits the Budget Committee chairman to direct the Committee on Ways and Means to report a bill reducing debt held by the public by an amount equal to any increase in the surplus for fiscal year 2000.

Section 10 establishes a reserve fund for certain Medicare-related legislation. The Budget Committee chairman has the option to increase the allocations of budget authority and outlays to the Committees on Ways and Means and Commerce, and the aggregates for legislation providing for Medicare reform and prescription drug coverage. The adjustments are in the amounts provided by the bill for the specified purpose, but not to exceed $2 billion in budget authority and outlays in fiscal year 2001 and $40 billion in budget authority and outlays over the 5–year period. The reserve fund assumes that this legislation will not be included in a reconciliation bill.

Section 11 establishes a reserve fund for agriculture for fiscal year 2000. The Budget Committee chairman is authorized to increase the allocations of budget authority and outlays to the Committee on Agriculture for legislation that provides income assistance to farmers and farm producers. The reserve fund is based on the assumption that the legislation will be reported by the Committee on Agriculture as a freestanding bill, rather than included in a supplemental appropriations bill, as has been the case in previous years. The chairman of the Budget Committee may make the adjustment by whatever amount of budget authority and resulting outlays are provided by the bill, but in no event may the adjustment exceed $6 billion in fiscal year 2000. The resolution assumes all of the budget authority will be obligated and paid out of the Treasury in fiscal year 2000.

Section 12 provides a reserve fund for risk management or income support legislation in fiscal year 2001 similar to that included in last year's budget resolution. The reserve fund authorizes the Budget Committee chairman to increase the allocations of budget authority and outlays to the Committee on Agriculture for legislation related to crop insurance or other income support measures. The adjustment is at the option of the chairman, but must be in the amount of budget authority and resulting outlays provided by the bill, but may not exceed $1.355 billion in budget authority and $595 million in outlays in fiscal year 2001, and $8.539 billion in budget authority and $7.223 billion in outlays over the 5-year period. The committee notes that a crop insurance bill, H.R. 2559, passed the House last year with a comparable adjustment in the fiscal year 2000 budget resolution (H. Con. Res 68) and has yet to be taken up by the Senate.

Section 13 sets forth the procedures for making adjustments pursuant to the reserve funds. Subsections (a)(1) and (2) provide that the adjustments are made only during the interval that the legislation is under consideration and do not take effect until the legislation is enacted. The treatment of these reserve funds is consistent with the treatment of adjustments for emergencies and other programs and initiatives under section 314 of the Budget Act.

Subsection (a)(3) provides that in order to make the adjustments for the reserve funds, the chairman must insert appropriate language in the Congressional Record.

Subsection (b) clarifies that any adjustments made under any of the reserve funds in the resolution have the same effect as if they were part of the original levels set forth in section 3. In other words, the adjusted levels, after they are made, are used to enforce points of order against legislation that is inconsistent with the budget resolution's allocations and aggregates.

Subsection (c) clarifies that the Committee on the Budget determines the estimates used to enforce points of order, as is the case for enforcing budget-related points of order pursuant to section 312 of the Budget Act.

Senate amendment

Section 202: Reserve Fund for Medicare. The Senate amendment contains language in section 202 establishing a two-part reserve fund for Medicare legislation.

Subsection (a) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance, and the aggregates and other appropriate budgetary levels for legislation that provides a Medicare prescription drug benefit if the cost of the legislation does not exceed $20 billion over the period of fiscal years 2001 through 2003 and the legislation does not cause an on-budget deficit in any of these years.

Subsection (b) provides that if the Committee on Finance fails to report such legislation prior to September 1, 2000, the adjustments permitted by subsection (a) shall be made with respect to any legislation considered in the Senate containing a prescription drug benefit.

Subsection (c) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance and the spending aggregates for legislation which provides an additional $20 billion for fiscal years 2004 and 2005 if the Committee on Finance reports legislation that extends the solvency of the Medicare Hospital Insurance trust fund without the use of new subsidies from the general fund, without decreasing beneficiaries' access to health care, and excludes the cost of extending and modifying the prescription drug benefit crafted pursuant to the first part of the reserve fund. The Committee assumes that Medicare reform efforts will ensure adequate reimbursement for Medicare providers. The allocation of this $20 billion cannot cause an on-budget deficit in either 2004 or 2005.

Section 203: Reserve Fund for the Stabilization of Payments to Counties in Support of Education. The Senate amendment contains language providing a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Energy and Natural Resources Committee for legislation providing additional mandatory spending for the stabilization of receipt-based payments to counties that support school and road systems and also provides a portion of those payments toward local investments in Federal lands within those counties. Adjustments may also be made for amendments that bring the reported legislation into compliance with the terms of this reserve fund. The reserve fund requires that the committee report this legislation and that the cost shall not exceed $200,000,000 in the first year and not more than $1,100,000,000 for fiscal years 2001 through 2005.

Section 204: Reserve Fund for Agriculture. The Senate amendment contains language providing a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302 allocation to the Committee on Agriculture, Nutrition, and Forestry for legislation providing for additional mandatory spending for assistance for producers of program crops and specialty crops, enhancement for agriculture conservation programs, and perhaps other programs within the committee's jurisdiction. The reserve fund can only be triggered if the committee reports legislation to the Senate on or before June 29, 2000. Adjustments may also be made for amendments that bring the reported legislation into compliance with the terms of this reserve fund. The cost of such legislation shall not exceed $5,500,000,000 for fiscal year 2000; $1,640,000,000 for fiscal year 2001; and $3,000,000,000 for fiscal years 2001 through 2005.

Section 205: Tax Reduction Reserve Fund in the Senate. The Senate amendment contains language providing a reserve fund that allows the chairman of the Committee on the Budget to adjust the spending and revenue aggregates for legislation that reduces revenues as long as the legislation does not cause an on-budget deficit for the first year or the sum of the 5 years covered by this resolution.

Section 206: Mechanism for Additional Debt Reduction. If either or both of the tax reconciliation bills envisioned by section 104 of the Senate amendment or the Medicare/Prescription drug legislation envisioned by section 202 of the Senate amendment do not become law (because they are never enacted by the Congress or the President vetoes the measures), the Conference Agreement contains language which would allow the chairman of the Budget Committee to reduce the balances available on the Senate's pay-go scorecard and adjust the aggregates and committee allocations to prevent these ''reconciled'' or ''reserved'' amounts from being used for anything other than reduction of debt held by the public. In addition, the debt held by the public levels shown in section 101(6) of this resolution will be reduced by those same amounts to make clear that these funds are dedicated to debt reduction.

Section 214: Reserve Fund to Foster the Health of Children with Disabilities and the Employment and Independence of Their Families. The Senate amendment contains language that provides a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance and the spending aggregate for legislation which facilitates children with disabilities receiving needed health care at home while still allowing their families to become or remain employed. The reserve fund can only be triggered if the committee reports legislation to the Senate. Adjustments may also be made for amendments that bring the reported legislation into compliance with the terms of this reserve fund. This will permit such legislation to make use of any on-budget surpluses. However, the cost of such legislation shall not exceed $50,000,000 for fiscal year 2001; and $300,000,000 for fiscal years 2001 through 2005.

Section 216: Reserve Fund for Military Retiree Health Care. The Senate amendment contains language providing a reserve fund that would allow the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Armed Services, and other budgetary aggregates and limits, for legislation that funds improvements to health care programs for military retirees and their dependents in the fiscal year 2001 Department of Defense authorization legislation. The reserve fund can only be triggered if the committee reports such legislation to the Senate. The cost of such legislation may not cause an on-budget deficit for fiscal year 2001 or the sum of fiscal years 2001 through 2005.

Section 217: Reserve Fund for Early Learning and Parent Support Programs. The Senate amendment contains language that provides a reserve fund that would allow the chairman of the Committee on the Budget in the House and Senate to adjust the section 302(a) allocation to the Committee on Education and the Workforce of the House of Representatives or the Committee on Health, Education, Labor, and Pensions in the Senate, and other budgetary aggregates and limits, for legislation that improves opportunities at the local level for early learning, brain development, and school readiness and offers support programs for their families. The cost of such legislation may not cause an on-budget deficit and may not exceed $8.5 billion in budget authority for the sum of fiscal years 2001 through 2005.

Conference agreement

Section 211 of the Conference Agreement establishes a procedure to ensure that if any of the reconciliation bills pursuant to sections 103(a) and 104, Medicare reform/prescription drug bills pursuant to sections 214 and 215, and other freestanding tax bills are not enacted into law, then the amount of the surplus reserved for these bills will be used to reduce debt. This will be displayed by permitting the chairmen to reduce the advisory levels of debt held by the public. The chairmen of the Budget Committees are authorized to increase the revenue aggregates by the difference between the assumed tax cut and the amount of any tax cuts actually enacted after the date of the adoption of this resolution. In the same fashion, each Chairman may reduce the spending aggregates by the difference between the amount assumed for Medicare reform/prescription drugs and the amount of spending provided by any such enacted legislation. If any changes in the aggregates are made under this section, then the Senate Budget Committee chairman is authorized to make the appropriate changes in the Senate's PAYGO balances. This section would also reduce any adjustment made under section 213 to the extent that the adjustments exceed the costs of enacted legislation as of the date the Chairmen make the adjustments under this section.

Section 212 of the Conference Agreement establishes a reserve fund to accommodate an additional $25 billion in tax relief or debt reduction. This section applies to both the House and the Senate. Under this section, the Budget Committee chairman of the appropriate House may adjust the revenue aggregate by the amount the legislation reduces revenue in excess of the reconciled $11.6 billion in fiscal year 2001 and $150 billion over 5 years (when all other legislation reducing revenues enacted after the adoption of this concurrent resolution has been taken into account), but not to exceed the $1 billion in fiscal year 2001 and $25 billion in fiscal years 2001 through 2005. This amount is in addition to any adjustment triggered by CBO's update to The Budget and Economic Outlook referred to in section 213.

Section 213 of the Conference Agreement establishes a reserve fund to accommodate additional tax relief or debt reduction if the estimates of the projected on-budget surplus increases. It applies to both the House and the Senate. The Budget Committee chairman of each House may increase the aggregate level of revenue reduction, and adjust the reconciliation instructions accordingly, by an amount not to exceed the projected increase in the on-budget surplus as estimated in the next update to The Budget and Economic Outlook published by the Congressional Budget Office [CBO]. This increase is relative to the corresponding levels as reported in The Budget and Economic Outlook published by CBO in March 2000 which underlie this budget resolution. If these additional surpluses are not applied to additional tax reduction, the level of debt held by the public will be automatically reduced. If CBO projects an increase in the surplus for fiscal year 2000, this section authorizes the House Budget chairman to reduce the debt levels and direct the Committee on Ways and Means to report a bill reducing debt held by the public by the amount of the increase in the surplus for that fiscal year.

Section 214 of the Conference Agreement establishes a reserve fund for legislation that provides for Medicare reform and prescription drug coverage. This reserve fund applies only in the House. The Budget Committee chairman is authorized to increase the appropriate allocations of budget authority and outlays to the House Ways and Means Committee and the House Commerce Committee, and aggregates if necessary, by the amount of budget authority and outlays provided by the measure for the specified purpose. In no event may the amount of the adjustment exceed $2.0 billion in budget authority and outlays in fiscal year 2001 and $40 billion in budget authority and outlays over 5 years.

Section 215 of the Conference Agreement establishes a reserve fund for Medicare in the Senate. It contains language which establishes a two-part reserve fund for Medicare legislation.

Subsection (a) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance, and the aggregates and other appropriate budgetary levels for legislation which provides a Medicare prescription drug benefit if the cost of the legislation does not exceed $20 billion over the period of fiscal years 2001 through 2005 and the legislation does not cause an on-budget deficit in any of these years.

Subsection (b) permits the chairman of the Committee on the Budget to adjust the section 302(a) allocation to the Committee on Finance and other aggregates for legislation which provides $40 billion for fiscal years 2001 through 2005 if the Committee on Finance reports legislation which improves the solvency of the Medicare program without the use of new subsidies from the general fund and improves access to prescription drugs (or continues access provided under subsection (a)). The amount provided under this subsection will be reduced by any amount provided for legislation considered in the Senate under subsection (a). The allocation of this $40 billion may not cause an on-budget deficit in any fiscal year.

Section 216 of the Conference Agreement establishes a reserve fund for legislation that provides assistance for producers of program and specialty crops. It applies in both the House and the Senate. The Budget Committee chairman of the appropriate House is authorized to increase the 302(a) allocations for fiscal years 2000 and 2001 for the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry by the amount of budget authority and resulting outlays provided by the measure for the specified purpose. In no event may the amount of the adjustment exceed $5.5 billion in budget authority and outlays in fiscal year 2000, and 1.64 billion in budget authority and outlays in fiscal year 2001. The conferees have based this reserve fund on the assumption that it will be considered as part of a freestanding bill reported by the authorizing committees rather than incorporated into an appropriations measure.

Section 217 of the Conference Agreement establishes a reserve fund to accommodate legislation for health programs designed to allow children with disabilities to obtain access to home health services and enable their parents to seek employment. This reserve fund applies to both the House and Senate. The Budget Committee chairman of the appropriate House may make adjustments to the 302(a) allocations of the House Commerce Committee and the Senate Finance Committee by the amount of budget authority and outlays provided by the bill. In no event may the amount of the adjustment exceed $25 million in budget authority and outlays in fiscal year 2001 and $150 million in budget authority and outlays over 5 years.

Section 218 of the Conference Agreement establishes a reserve fund for legislation that improves military retiree health care programs. It applies in both the House and Senate. The Budget Committee chairman of the appropriate House may increase the 302(a) allocations for the House and Senate Committees on Armed Services by the amount of budget authority and outlays provided by the bill for the specified purpose. In no event may the amount of the adjustment exceed $50 million in budget authority and outlays in fiscal year 2001 and $400 million in budget authority and outlays over 5 years. In addition, the chairman may not make an adjustment if the enactment of the legislation would cause an on-budget deficit in fiscal year 2001 or the 5 year period.

Section 219 of the Conference Agreement establishes a new reserve fund for legislation that accelerates enrollment of uninsured children in Medicaid and the State Children's Health Insurance Programs or provides Medicaid coverage for women diagnosed with breast or cervical cancer through the screening programs of the Centers for Disease Control. It applies in both the House and the Senate. The Budget Committee chairman of the appropriate House is authorized to increase the 302(a) allocations to the House Commerce Committee and the Senate Finance Committee by the amount of budget authority and outlays provided by the bill. In no event may the amount of the adjustment exceed $50 million in budget authority and outlays for fiscal year 2001 and $250 million in budget authority and outlays for the 5 year period.

Section 220 of the Conference Agreement establishes a reserve fund for legislation providing for stabilization of payments to counties in support of education. It applies in both the House and Senate. The Budget Committee chairman of the appropriate House may increase the 302(a) allocations for the House Committees on Agriculture and Resources and the Senate Committee on Energy and Natural Resources by the amount of budget authority and outlays provided by the bill for the specified purpose. In no event may the amount of the adjustment exceed $200 million in budget authority and outlays in fiscal year 2001 and $1.1 billion in budget authority and outlays over 5 years. In addition, the section requires that, for the adjustment to be made, the legislation must provide for the stabilization of receipt-based payments to counties that support school and road systems and must also provide for a portion of those payments to be dedicated toward local investments in Federal lands within the counties.

Section 221 of the Conference Agreement is similar to the language included in the Senate amendment which provides for a reserve fund that allows the Senate chairman of the Committee on the Budget to adjust the spending and revenue aggregate for legislation that reduces revenues as long as the legislation does not cause an on-budget deficit for the first year or the sum of the 5 years covered by this resolution. The House has standing authority to consider such legislation under Section 302(g)(1)(B) of the Budget Act.

Section 222 of the Conference Agreement sets forth the procedures by which the Budget Committee chairman may make the adjustments for the reserve funds established under this subtitle. Subsection (a) clarifies that the adjustments are made only when the measure is considered and become permanent only when the measure is enacted. Subsection (b) provides that the adjusted levels are used to enforce subsequent budget-related points of order. Subsection (c) reiterates the role of the Budget Committee in advising the presiding officer of the House regarding the budgetary effects of legislation subject to such points of order.

MISCELLANEOUS PROVISIONS

Under 301(b)(4) of the Budget Act and its standing authority under the U.S. Constitution, the budget resolution includes enforcement-related provisions other than points of order and reserve funds. These provisions include various directives relating to scoring conventions and a reaffirmation of the rule making authority of the U.S. Congress.

House resolution

No house provisions are included in this section.

Senate amendment

Section 211: Prohibition on the use of Federal Reserve Surpluses. The Senate amendment contains language that is designed to ensure that transfers from non-budgetary governmental entities such as the Federal Reserve banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary effects. It has long been the view of the Committee on the Budget that transfers of Federal Reserve surpluses to the Treasury are not valid offsets for increased spending. Nonetheless, such transfers have been legislated in the past—as recently as the fall of 1999. The purpose of this section is to establish a scoring rule to make clear that such transfers will not be taken into account when determining compliance with the various Budget Act and Senate pay-go points of order.

Section 212: Reaffirming the Prohibition on the use of Revenue Offsets for Discretionary Spending. The Senate amendment contains language that is intended to emphasize the longstanding view of the Congressional Budget Committees and the Congressional Budget Office that changes in revenues shall not be scored in appropriations legislation. This means that tax increases shall not be used as offsets for increased discretionary spending. The Committee on the Budget finds it necessary to set this forth in this budget resolution in response to the President once again asserting in his fiscal year 2001 budget that an increase in tobacco taxes can be used to offset huge increases in discretionary spending.

Section 213: Application and Effect of Changes in Allocations and Aggregates. The Senate amendment contains language that is similar to the language found in section 208 of the Conference Agreement on the fiscal year 2000 budget resolution. This language clarifies how and when any adjustments to the allocations or aggregates or pay-go balances permitted by the various reserve funds contained in the Conference Agreement may be made.

Section 215: Exercise of Rule making Powers. The Senate amendment contains language regarding the rule making authority of each of the Houses of Congress.

Conference Agreement

Section 231 of the Conference Agreement, which applies to the House only, reflects the Senate treatment for function 650, which consists of on-budget payments by the Treasury Department to the OASDI Trust Funds for income taxes on Social Security benefits. In a significant departure from the House bill and from conference reports since 1991, the function 650 levels do not include the administrative expenses that were included in the House resolution and in recent conference reports in previous years. These expenses were not included in the function out of a belated recognition that such expenses were taken off budget by the Budget Enforcement Act [BEA] of 1990. Section 13301 of that Act provided, in part:

‘‘(A) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of * * * (2) the congressional budget’’.

Nevertheless, Congress continued to include administrative expenses for Social Security in function 650 because they were clearly discretionary—that is, they are controlled through the annual appropriations process. Because section 302(a) of the Budget Act provides that the allocation must be ‘‘consistent’’ with the functional levels and aggregates, it was originally considered necessary to include these amounts in the function 650 levels and the aggregate.

The other reason for changing the treatment of Social Security is that the Congressional Budget Office [CBO] already excludes Social Security administrative expenses from its budgetary projections of on-budget revenue, spending, and surplus or deficit levels. As a consequence, CBO projections have not been comparable to the levels underlying the House and Senate budget resolutions. This has caused confusion among Members of Congress who have sought to make comparisons between CBO’s projections and the levels set forth in the budget resolution.

To comply with the BEA and standardize congressional scoring for Social Security, section 231 of the conference report provides clear authority to include administrative amounts in the 302(a) allocation to the Appropriations Committee, even though such levels will no longer be included in the on-budget totals and function levels.

Subsection (b) clarifies that any determination under section 302(f) of the Budget Act include any amounts provided in the measure for discretionary administrative expenses of the Social Security Administration.

Section 232 of the Conference Agreement retains the language of section 211 of the Senate amendment. It contains language that is designed to ensure that transfers from non-budgetary governmental entities such as the Federal Reserve banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary effects. It has long been the view of the Committee on the Budget that transfers of Federal Reserve surpluses to the Treasury are not valid offsets for increased spending. Nonetheless, such transfers have been legislated in the past—as recently as the fall of 1999. The purpose of this section is to establish a scoring rule to make clear that such transfers will not be taken into account when determining compliance with the various Budget Act and Senate pay-go points of order.

Section 233 of the Conference Agreement is similar to section 212 of the Senate amendment. It contains language that is intended to emphasize the longstanding view of the congressional Budget Committees and the Congressional Budget Office that changes in revenues included in appropriations legislation shall nonetheless be scored on the PAYGO scorecard. This means that tax increases shall not be used as offsets for increased discretionary spending. The Committees on the Budget find it necessary to set this forth in this budget resolution in response to the President once again asserting in his fiscal year 2001 budget that an increase in taxes can be used to offset increases in discretionary spending.

Section 234 of the Conference Agreement adopts the language contained in section 215 of the Senate amendment. This provision restates that the rules set forth in this budget resolution are considered a part of the rules of each House or the House to which they specifically apply. This section further recognizes the constitutional right of each House to change provisions of the resolution through subsequent rule making.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built on the economic assumptions developed by the Congressional Budget Office [CBO] and presented in CBO’s The Budget and Economic Outlook: Fiscal Years 2001–2010.

House Resolution.—CBO’s economic assumptions were used.

Senate Amendment.—CBO’s economic assumptions were used.

Conference Agreement.—CBO’s economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION

[By calendar years]

	2000	2001	2002	2003	2004	2005
Real GDP (percent year over year)	3.3	3.1	2.8	2.6	2.6	2.7

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION—Continued

[By calendar years]

	2000	2001	2002	2003	2004	2005
GDP Price Index (percent year over year)	1.6	1.6	1.7	1.7	1.7	1.7
Consumer Price Inflation (percent year over year)	2.5	2.4	2.5	2.5	2.5	2.5
Unemployment Rate (annual rate)	4.1	4.2	4.4	4.7	4.8	5.0
3–month Treasury Bills Rate (annual rate)	5.4	5.6	5.3	4.9	4.8	4.8
10–year Treasury Note rate (annual rate)	6.3	6.4	6.1	5.8	5.7	5.7
Corporate (Book) Profits (percent of GDP)	8.6	8.2	7.8	7.6	7.4	7.3
Wage and Salary (percent of GDP)	48.8	48.8	48.9	48.9	48.9	48.9

SENSES OF THE HOUSE, SENATE AND CONGRESS

House resolution

The House budget resolution contains the following senses of the House or Congress that have no legal force but reflect the Congress' views on a variety of budget-related issues. The section numbers and section headings of these reserve funds are as follows:

Section 5(c). Sense of Congress endorsing legislation establishing a limit on debt held by the public.

Section 8(b). Sense of Congress on additional health-related tax relief.

Section 8(c). Sense of Congress on Federal employees' benefit package.

Section 14. Sense of Congress on waste, fraud and abuse.

Section 15. Sense of Congress on providing additional dollars to the classroom.

Section 16. Sense of Congress regarding emergency spending.

Section 17. Sense of the House on estimates of the impact of regulations on the private sector.

Section 18. Sense of the House on biennial budgeting.

Section 19. Sense of Congress on access to health insurance and preserving home health services for all medicare beneficiaries.

Section 20. Sense of Congress regarding Medicare+Choice programs/reimbursement rates.

Section 21. Sense of the House on directing the Internal Revenue Service to accept negative numbers in farm income averaging.

Section 22. Sense of the House regarding the stabilization of certain Federal Payments to States, counties, and boroughs.

Section 23. Sense of Congress on the importance of the National Science Foundation.

Section 24. Sense of Congress regarding skilled nursing facilities.

Section 25. Sense of Congress on special education.

Section 26. Sense of Congress on assumed funding levels for special education.

Section 27. Sense of Congress on a federal employee pay raise.

Section 28. Sense of Congress regarding HCFA draft guidelines.

Section 29. Sense of Congress on asset-building for the working poor.

Section 30. Sense of Congress on the importance of supporting the Nation's emergency first-responders

Senate amendment

The Senate amendment included the following sense of the Senate or sense of the Congress provisions:

Section 301. Sense of the Senate on controlling and eliminating the growing international problem of tuberculosis.

Section 302. Sense of the Senate on increased funding for the child care and development block grant.

Section 303. Sense of the Senate on tax relief for college tuition paid and for interest paid on student loans.

Section 304. Sense of the Senate on increased funding for the National Institutes of Health.

Section 305. Sense of the Senate supporting funding levels in Educational Opportunities Act.

Section 306. Sense of the Senate on additional budgetary resources.

Section 307. Sense of the Senate regarding the inadequacy of the payments for skilled nursing care.

Section 308. Sense of the Senate on the CARA programs.

Section 309. Sense of the Senate on Veteran's Medical Care.

Section 310. Sense of the Senate on Impact Aid.

Section 311. Sense of the Senate on funding for increased acreage under the Conservation Reserve Program and the Wetlands Reserve Program and the Wetlands Reserve Program.

Section 312. Sense of the Senate on tax simplification.

Section 313. Sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers, and anti-competitive activity.

Section 314. Sense of the Senate regarding fair markets for American farmers.

Section 315. Sense of the Senate on women and social security reform.

Section 316. Protection of battered women and children.

Section 317. Use of False Claims Act in combating Medicare fraud.

Section 318. Sense of the Senate regarding the National Guard.

Section 319. Sense of the Senate regarding military readiness.

Section 320. Sense of the Senate on compensation for the Chinese Embassy bombing in Belgrade.

Section 321. Sense of the Senate supporting funding of digital opportunity initiatives.

Section 322. Sense of the Senate regarding immunization funding.

Section 323. Sense of the Senate regarding tax credits for small businesses providing health insurance to low-income employees.

Section 324. Sense of the Senate on funding for criminal justice.

Section 325. Sense of the Senate regarding the Pell Grant.

Section 326. Sense of the Senate regarding comprehensive public education reform.

Section 327. Sense of the Senate on providing adequate funding for United States International Leadership.

Section 328. Sense of the Senate concerning the HIV/AIDS crisis.

Section 329. Sense of the Senate regarding tribal colleges.

Section 330. Sense of the Senate to provide relief form the marriage penalty.

Section 331. Sense of the Senate on Federal fuel taxes.

Section 332. Senate of the Senate on the internal combustion engine.

Section 333. Sense of the Senate regarding a national background check system for long-term care workers.

Section 334. Sense of the Senate concerning the price of prescription drugs.

Section 335. Sense of the Senate against Federal funding of smoke shops.

Section 336. Sense of the Senate regarding the need to reduce gun violence in America.

Section 337. Sense of the Senate supporting additional funding for fiscal year 2001 for medical care for our Nation's veterans.

Section 338. Sense of the Senate regarding medical care for veterans.

Section 339. Sense of the Senate concerning investment of Social Security trust funds.

Section 340. Sense of the Senate regarding digital opportunity.

Section 341. Sense of the Senate regarding Medicare prescription drugs.

Section 342. Sense of the Senate concerning funding for new education programs.

Section 343. Sense of the Senate regarding enforcement of Federal firearm laws.

Section 344. Sense of the Senate regarding the census.

Section 345. Sense of the Senate that any increase in the minimum wage should be accompanied by tax relief for small businesses.

Section 346. Sense of the Senate concerning the minimum wage.

Section 347. Sense of Congress regarding funding for the participation of members of the uniformed services in the Thrift Savings Plan.

Section 348. Sense of the Senate concerning protecting the Social Security trust funds.

Section 349. Sense of the Senate concerning regulation of tobacco products.

Section 350. Sense of the Senate regarding after school programs.

Section 351. Sense of the Senate regarding cash balances pension plan conversions.

Section 352. Sense of the Senate concerning uninsured and low-income individuals in medically underserved communities.

Section 353. Sense of the Senate concerning fiscal year 2001 funding for the United States Coast Guard.

Conference Agreement

The Conference Agreement contains the following non-binding language that expresses the will or intent of either or both Houses of the Congress on a variety of budget-related issues:

The Conference Agreement contains the following senses of the House:

Section 311. Sense of the House on waste, fraud and abuse.

Section 312. Sense of the House regarding emergency spending.

Section 313. Sense of the House on estimates of the impact of regulations on the private sector.

Section 314. Sense of the House on biennial budgeting.

Section 315. Sense of the House on access to health insurance and preserving home health services for all medicare beneficiaries.

Section 316. Sense of the House regarding Medicare+Choice programs/reimbursement rates.

Section 317. Sense of the House on directing the Internal Revenue Service to accept negative numbers in farm income averaging.

Section 318. Sense of the House on the importance of the National Science Foundation.

Section 319. Sense of the House regarding skilled nursing facilities.

Section 320. Sense of the House on special education.

Section 321. Sense of the House regarding HCFA draft guidelines.

Section 322. Sense of the House on asset-building for the working poor.

Section 323. Sense of the House on the importance of supporting the Nation's emergency first-responders

Section 324. Sense of the House on additional health-related tax relief.

The Conference Agreement contains the following senses of the Senate:

Section 331. Sense of the Senate supporting funding levels in Educational Opportunities Act.

Section 332. Sense of the Senate on additional budgetary resources.

Section 333. Sense of the Senate regarding the inadequacy of the payments for skilled nursing care.

Section 334. Sense of the Senate on veteran's medical care.

Section 335. Sense of the Senate on Impact Aid.

Section 336. Sense of the Senate on tax simplification.

Section 337. Sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers, and anti-competitive activity.

Section 338. Sense of the Senate regarding fair markets for American farmers.

Section 339. Sense of the Senate on women and social security reform.

Section 340. Use of False Claims Act in combating Medicare fraud.

Section 341. Sense of the Senate regarding the National Guard.

Section 342. Sense of the Senate regarding military readiness.

Section 343. Sense of the Senate supporting funding of digital opportunity initiatives.

Section 344. Sense of the Senate on funding for criminal justice.

Section 345. Sense of the Senate regarding comprehensive public education reform.

Section 346. Sense of the Senate on providing adequate funding for United States international leadership.

Section 347. Sense of the Senate concerning the HIV/AIDS crisis.

Section 348. Sense of the Senate regarding tribal colleges.

Section 349. Sense of the Senate to provide relief from the marriage penalty.

Section 350. Sense of the Senate on Federal fuel taxes.

Section 351. Sense of the Senate concerning the price of prescription drugs.

Section 352. Sense of the Senate against Federal funding of smoke shops.

Section 353. Sense of the Senate concerning investment of Social Security trust funds.

Section 354. Sense of the Senate regarding Medicare prescription drugs.

Section 355. Sense of the Senate concerning funding for new education programs.

Section 356. Sense of the Senate regarding enforcement of Federal firearm laws.

Section 357. Sense of the Senate that any increase in the minimum wage should be accompanied by tax relief for small businesses.

Section 358. Sense of the Senate regarding funding for the participation of members of the uniformed services in the Thrift Savings Plan.

Section 359. Sense of the Senate concerning uninsured and low-income individuals in medically underserved communities.

The Conference Agreement contains the following senses of Congress:

Section 302. Sense of Congress on providing additional dollars to the classroom.

Section 303. Sense of Congress on graduate medical education for Children's Hospital.

PUBLIC DEBT LIMIT IN THE HOUSE

Rule XXIII of the Rules of the House of Representatives provides a procedure for changing the statutory limits on the public debt. This rule, however, was waived as part of the special rule providing for the consideration of H. Con. Res. 290 (H.Res.106–535).

JOHN R. KASICH,
SAXBY CHAMBLISS,
CHRISTOPHER SHAYS,
Managers on Part of the House.

PETE DOMENICI,
CHUCK GRASSLEY,
C.S. BOND,
SLADE GORTON,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 10 o'clock and 55 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES. 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–578) on the resolution (H. Res. 475) waiving points of order against the conference report to accompany 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3615, RURAL LOCAL BROADCAST SIGNAL ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–579) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BERMAN, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KNOLLENBERG) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. RADANOVICH, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, April 13.

Mr. HORN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. SWEENEY, for 5 minutes, today.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, April 13, 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:

7073. A letter from the Secretary, Department of Agriculture, transmitting a draft bill, "To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, to extend the authorization of appropriations for such Act, and to improve the administration of such Act''; to the Committee on Agriculture.

7074. A letter from the Secretary of the Navy, transmitting the proposed transfer of the battleship ex-NEW JERSEY (BB 62) to the Home Port Alliance of Camden, New Jersey, a non-profit organization; to the Committee on Armed Services.

7075. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill, ''To authorize the Secretary of the Treasury to instruct the United States Executive Director to vote to approve the use of the International Monetary Fund of all earnings on the investment of the profits on non-public gold sales for the purpose of providing debt relief under the enhanced Heavily Indebted Poor Countries (''HIPC'') Initiative and to authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development''; to the Committee on Banking and Financial Services.

7076. A letter from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board, transmitting the Board's final rule—Loan Guarantee Decision; Availability of Environmental Information; Correction (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7077. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Loan Guarantee Decision; Application Deadline (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7078. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Loan Guarantee Decision; Availability of Environmental Information; Correction (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7079. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Board Amendments (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7080. A letter from the Managing Director, Federal Housing Finance Board, transmitting the 2000 Base Salary Structures; to the Committee on Banking and Financial Services.

7081. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Safety Standard for Bunk Beds—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7082. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State: Approval of Revisions to Kentucky State Implementation Plan [KY–109–1–200007a; FRL–6533–2] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7083. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extending Operating Permits Program Iterim Approval Expiration Dates [FRL–6535–2] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7084. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 106—223); to the Committee on International Relations and ordered to be printed.

7085. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2000–12, authorizing the furnishing of military assistance to the United Nations for purposes of supporting East Timor's transition to independence, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

7086. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1999, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

7087. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a report that the Department of Commerce has processed the last remaining satellite export license application that was in its queque when the jurisdiction for satellites was retransferred to the Department of State in March 15, 1999; to the Committee on International Relations.

7088. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received February 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7089. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the General Purpose Financial Statements and Independent Auditor's Report for the fiscal year ended September 30, 1999; to the Committee on Government Reform.

7090. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospital, and Other Non-Profit Organizations—received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7091. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the revised Annual Performance Plan for the Export-Import Bank, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform.

7092. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's Annual Management Report for the year ended September 30, 1999, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7093. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's Annual Report for calendar year 1999, pursuant to 12 U.S.C. 1827(a); to the Committee on Government Reform.

7094. A letter from the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, transmitting a report on the three categories of Cost Accounting Standards (CAS) coverage known as ''full,'' ''modified,'' and ''FAR'' (Federal Acquisition Regulation) coverage; to the Committee on Government Reform.

7095. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7096. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a detailed boundary map for the East Fork Jemez and Pecos Rivers in New Mexico, pursuant to 16 U.S.C. 1274; to the Committee on Resources.

7097. A letter from the Chairman, Naval Sea Cadet Corps, transmitting the Annual Audit Report of the Corps for the year 1999, pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

7098. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E, Glendive, MT [Airspace Docket No. 99–ANM–08] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7099. A letter from the Secretary, Department of Commerce, transmitting the 1999 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST), U.S. Department of Commerce, pursuant to Public Law 100–418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

7100. A letter from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting a report on donated educationally useful Federal equipment; to the Committee on Science.

7101. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft bill entitled, ''Veterans' Compensation Cost-of-Living Adjustment Act of 2000''; to the Committee on Veterans' Affairs.

7102. A letter from the Chairman, International Trade Commission, transmitting a draft bill, ''To provide authorization of appropriations for the United States International Trade Commission for fiscal year 2001''; to the Committee on Ways and Means.

7103. A letter from the Commissioner, Social Security Administration, transmitting a draft bill to provide additional safeguards for the Social Security and Supplemental Security Income beneficiaries with representative payees; to the Committee on Ways and Means.

7104. A letter from the Director, Congressional Budget Office, transmitting the CBO's Sequestration Preview Report for FY 2001, pursuant to 2 U.S.C. section 904(b); jointly to the Committees on Appropriations and the Budget.

7105. A letter from the Department of Energy, transmitting the Department's annual report on the Automotive Technology Development Program, Fiscal Year 1997, pursuant to 42 U.S.C. 5914; jointly to the Committees on Science and Commerce.

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. LINDER: Committee on Rules. House Resolution 472. Resolution providing for consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations (Rept. 106–575). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 473. Resolution providing for consideration of the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986 (Rept. 106–576). Referred to the House Calendar.

Mr. KASICH: Committee of Conference. Conference report on House Concurrent Resolution 290. Resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 (Rept. 106–577). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 474. Resolution waiving points of order against conference report to accompany 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 (Rept. 106–578). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006 (Rept. 106–579). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PITTS (for himself, Mr. OSE, and Mrs. CHENOWETH-HAGE):

H.R. 4245. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made under Federal Government programs for the repayment of student loans of members of the Armed Forces of the United States and the National Health Service Corps; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. CUNNINGHAM, and Mr. ROGAN):

H.R. 4246. A bill to encourage the secure disclosure and protected exchange of information about cyber security problems, solutions, test practices and test results, and related matters in connection with critical infrastructure protection; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BATEMAN (for himself and Mr. UNDERWOOD) (both by request):

H.R. 4247. 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 Armed Services.

By Mr. CALVERT (for himself, Mr. REYES, Mrs. BONO, Mr. DOOLEY of California, Mr. LEWIS of California, Mr. BACA, Mr. CUNNINGHAM, Mr. POMBO, Mr. WOLF, Mr. BILBRAY, Mr. GILMAN, Mr. DREIER, Mr. SESSIONS, Mr. ENGLISH, Mr. RADANOVICH, Mr. BAIRD, Mr. HUNTER, Mr. DOOLITTLE, Mr. HERGER, Mr. GARY MILLER of California, Mr. KUYKENDALL, Mr. GALLEGLY, Mr. HORN, Mr. NETHERCUTT, Mr. CANNON, Mr. CONDIT, Mr. STUPAK, Mr. PORTER, Mr. MICA, Mr. GIBBONS, Mr. LATHAM, Mr. MATSUI, Mr. SANDLIN, Mr. PETERSON of Pennsylvania, Mr. GUTIERREZ, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. DANNER, Mr. SMITH of Washington, Ms. SANCHEZ, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. MCKEON, Mr. MCINNIS, Mr. BONILLA, Mr. WAMP, Mr. RAMSTAD, Mr. GOSS, Mr. ROGAN, Mr. TRAFICANT, Mr. INSLEE, Mrs. EMERSON, Mr. EHLERS, Mr. PACKARD, Mr. SWEENEY, Mr. GOODLATTE, Mr. THORNBERRY, Mr. TALENT, Mr. BLUNT, Mr. HALL of Texas, Mr. SOUDER, Ms. DUNN, Mr. OSE, Mr. SMITH of Texas, Mr. BAKER, Mr. THOMAS, Mr. HULSHOF, Mr. HUTCHINSON, Ms. ESHOO, and Mr. CAMPBELL):

H.R. 4248. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to prevent the proliferation of methamphetamine, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEJDENSON (for himself and Mr. LANTOS):

H.R. 4249. A bill to foster cross-border cooperation and environmental cleanup in Northern Europe; to the Committee on International Relations.

By Mr. LAFALCE (for himself, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. BENTSEN, Ms. CARSON, Mr. MEEKS of New York, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio):

H.R. 4250. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. BEREUTER, Mr. KUCINICH, Mr. COX, Mr. SPENCE, and Mr. KNOLLENBERG):

H.R. 4251. 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 Mr. BERRY:

H.R. 4252. A bill to suspend temporarily the duty on Isoxaflutole; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 4253. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Commerce.

By Mr. BRYANT (for himself and Mr. TANNER):

H.R. 4254. A bill to suspend temporarily the duty on Bromoxynil Octanoate/Heptanoate; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. TANNER):

H.R. 4255. A bill to suspend temporarily the duty on Bromoxynil Octanoate Tech; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 4256. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion of certain income of foreign sales corporations; to the Committee on Ways and Means.

By Mr. HOSTETTLER:

H.R. 4257. A bill to prohibit the use of Federal funds to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUYKENDALL:

H.R. 4258. A bill to amend the Higher Education Act of 1965 to improve the program for the forgiveness of student loans to teachers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma:

H.R. 4259. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the SMITHsonian Institution, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. NUSSLE (for himself, Mr. TANNER, Mr. BARRETT of Nebraska, Mr. MORAN of Kansas, Mr. BARCIA, Mr. BEREUTER, Mr. BOEHNER, Mr. BOYD, Mr. BUYER, Mr. CAMP, Mr. CHAMBLISS, Mr. COOK, Ms. DANNER, Mr. EWING, Mr. FOLEY, Mr. GANSKE, Mr. GILCHREST, Mr. GORDON, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HAYES, Mr. HAYWORTH, Mr. HOBSON, Mr. ISTOOK, Mr. JENKINS, Mr. LAHOOD, Mr. LATHAM, Mr. LEACH, Mr. MCHUGH, Mr. MCINTYRE, Mr. NETHERCUTT, Mr. OSE, Mr. PETERSON of Pennsylvania, Mr. PHELPS, Mr. POMEROY, Mr. SHOWS, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Michigan, Mr. SOUDER, and Mr. STENHOLM):

H.R. 4260. A bill to amend the Internal Revenue Code of 1986 to exclude from net earnings from self-employment certain farm rental income and all payments under the environmental conservation acreage reserve program; to the Committee on Ways and Means.

By Mr. PORTMAN:

H.R. 4261. A bill to extend the temporary suspension of duty on certain methyl esters; to the Committee on Ways and Means.

By Mr. PORTMAN:

H.R. 4262. A bill to temporarily reduce the duty on certain methyl esters; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado):

H.R. 4263. A bill to establish a compensation and health care program for employees and survivors at the Department of Energy facility in Los Alamos, New Mexico who have substained beryllium, radiation-related, asbestos, and hazardous substances injury, illness, or death due to the performance of their duties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and 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. WALSH (for himself and Mr. HOLDEN):

H.R. 4264. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Commerce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. WATTS of Oklahoma, Mr.

TOWNS, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. WYNN, Ms. MCKINNEY, Mr. EVANS, Mr. FATTAH, Mrs. NAPOLITANO, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. CRAMER, Mr. BRADY of Pennsylvania, Mr. KENNEDY of Rhode Island, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. HASTINGS of Florida, Mr. FORD, Mr. GREEN of Texas, Ms. DELAURO, Ms. LOFGREN, Mr. MEEHAN, Mr. KLINK, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. FILNER, Mr. RANGEL, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. HILLIARD, Mr. MALONEY of Connecticut, Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. REYES, Mr. FROST, Mr. BLUMENAUER, Mr. MOORE, Mrs. CAPPS, Mr. FALEOMAVAEGA, Mr. SHOWS, Mr. SNYDER, Ms. KAPTUR, Mrs. MALONEY of New York, Mr. BROWN of Ohio, Mr. SANDERS, Mr. SPRATT, Mr. NEAL of Massachusetts, Mr. WEINER, Mr. ENGEL, Ms. BALDWIN, Mr. UDALL of New Mexico, Mr. COYNE, Mr. DIXON, Mr. LANTOS, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. BACHUS, Mr. BISHOP, Mr. FORBES, Mr. LEWIS of Georgia, Ms. KILPATRICK, and Mr. BARRETT of Wisconsin):

H.J. Res. 98. A joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II; to the Committee on Veterans' Affairs.

By Mr. ARMEY:

H. Con. Res. 303. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate; considered and agreed to.

By Mr. GEJDENSON (for himself, Mr. GILMAN, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BLAGOJEVICH, Ms. MILLENDER-MCDONALD, Mr. UDALL of Colorado, Ms. CARSON, Mr. PHELPS, Ms. SCHAKOWSKY, Mr. HILLIARD, Mr. SNYDER, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, Mr. DEUTSCH, Mr. SCOTT, Mr. SUNUNU, Mr. BEREUTER, Mr. CHABOT, Mr. KNOLLENBERG, Mr. SESSIONS, Mr. MOAKLEY, Mr. CARDIN, Ms. PELOSI, Mr. UPTON, Mr. OBEY, Mr. MILLER of Florida, Mr. MCNULTY, Mr. BLUMENAUER, Mr. RAHALL, Mr. OBERSTAR, Mr. GILCHREST, Mr. DOOLEY of California, Ms. WATERS, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. KILDEE, Ms. RIVERS, Mrs. MINK of Hawaii, Mr. CASTLE, Mr. WEYGAND, Mrs. CLAYTON, Mrs. MCCARTHY of New York, Mr. CUNNINGHAM, Mr. BROWN of Ohio, Mr. BERRY, Mr. PALLONE, Mrs. LOWEY, Ms. ESHOO, Mr. KLECZKA, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. BALDACCI, Mr. BERMAN, Mr. WAMP, Mr. STENHOLM, Mr. OXLEY, Mr. BARRETT of Wisconsin, Mr. MCCOLLUM, Mr. LINDER, Mr. GREEN of Texas, Mr. SPRATT, Mr. RANGEL, Mr. PRICE of North Carolina, Mr. MCDERMOTT, Mrs. THURMAN, Mr. MENENDEZ, Mr. STARK, Mr. GEORGE MILLER of California, Mr. BAIRD, Mr. REYES, Ms. MCCARTHY of Missouri, Mr. CRAMER, Mr. WEINER, Mr. MINGE, Mr. LAMPSON, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. MURTHA, Mr. PASTOR, Mr. FROST, and Ms. DELAURO):

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus; to the Committee on International Relations.

By Mr. COBURN (for himself, Mrs. MYRICK, Mr. PITTS, Mrs. CHENOWETH-HAGE, Mr. SHOWS, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. DELAY, Mrs. EMERSON, Mr. HOSTETTLER, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. DICKEY, Mr. HUNTER, Mr. GREEN of Wisconsin, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. TIAHRT, Mr. JONES of North Carolina, Mr. TAYLOR of Mississippi, Mr. DEMINT, Mr. LARGENT, Mr. ADERHOLT, Mr. TERRY, Mr. SOUDER, Mr. SCHAFFER, Mr. DOOLITTLE, Mr. VITTER, Mr. MCINTOSH, and Mr. BRADY of Texas):

H. Con. Res. 305. Concurrent resolution expressing the sense of the Congress that the presence of brain wave activity and spontaneous cardiac activity should be considered conclusive evidence of human life for legal purposes; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. HORN, Mr. BLUMENAUER, and Mrs. MORELLA):

H. Con. Res. 306. Concurrent resolution expressing the sense of Congress in support of the freeze on longer combination vehicles and current Federal limitations on truck size and weight; to the Committee on Transportation and Infrastructure.

By Mr. HOLT:

H. Res. 476. A resolution commending the present Army Nurse Corps for extending equal opportunities to men and women, and recognizing the brave and honorable service during and before 1955 of men who served as Army hospital corpsmen and women who served in the Army Nurse Corps; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. ENGEL.
H.R. 72: Mr. WISE.
H.R. 252: Mr. SAM JOHNSON of Texas.
H.R. 531: Mr. KING and Ms. LOFGREN.
H.R. 803: Mr. RANGEL.
H.R. 842: Mr. TRAFICANT.
H.R. 904: Mr. TURNER and Ms. BALDWIN.
H.R. 1083: Mr. BASS.
H.R. 1168: Mr. FLETCHER and Mr. BARRETT of Wisconsin.
H.R. 1287: Mr. NETHERCUTT.
H.R. 1329: Mr. GILCHREST.
H.R. 1593: Mr. HALL of Ohio.
H.R. 1839: Mr. SKELTON.
H.R. 1885: Mr. WYNN, Ms. DELAURO, Mr. GONZALEZ, Mrs. MALONEY of New York, Mr. WICKER, and Mrs. CLAYTON.
H.R. 2000: Mr. BONIOR, Mr. OSE, Mr. KENNEDY of Rhode Island, Mr. OLVER, Mr. BROWN of Ohio, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. BACA, and Mr. PETRI.
H.R. 2265: Mr. DEFAZIO.
H.R. 2620: Mr. TURNER.
H.R. 2631: Mr. KILDEE and Mrs. MCCARTHY of New York.
H.R. 2697: Mr. MCINTOSH.
H.R. 2722: Mr. FATTAH.
H.R. 2726: Mr. WHITFIELD and Mr. LEWIS of Kentucky.
H.R. 2733: Ms. MCKINNEY.
H.R. 2776: Mr. ANDREWS.
H.R. 2784: Mr. BAKER.
H.R. 2812: Mr. HALL of Ohio, Ms. PELOSI, Ms. SCHAKOWSKY, Mrs. MINK of Hawaii, and Mr. BROWN of Ohio.
H.R. 3032: Mrs. MORELLA, Mrs. MEEK of Florida, and Mr. PALLONE.
H.R. 3161: Mr. KENNEDY of Rhode Island.
H.R. 3219: Mr. CUNNINGHAM, Mr. WAMP, Mr. HILLIARD, Mr. KINGSTON, Mr. BRADY of Texas, Mr. DEAL of Georgia, Mr. PICKERING, Mr. BLUNT, Mr. SENSENBRENNER, Mr. CANADY of Florida, Mr. JONES of North Carolina, Mr. BOEHNER, Mr. GRAHAM, Mr. RAMSTAD, and Mr. COOKSEY.
H.R. 3248: Mr. DEMINT.
H.R. 3293: Mr. BOEHNER, Mr. BASS, Mr. CALLAHAN, Mrs. BONO, Mr. REYNOLDS, Ms. PELOSI, Mr. HULSHOF, Mr. COSTELLO, Mr. COBURN, Mr. BORSKI, and Mr. DINGELL.
H.R. 3320: Mr. JEFFERSON and Mr. HOEFFEL.
H.R. 3327: Mr. TANCREDO.
H.R. 3377: Mrs. JONES of Ohio.
H.R. 3413: Mr. MEEHAN, Ms. WOOLSEY, Mr. PASCRELL, Mr. SAWYER, Ms. CARSON, Mr. CLAY, Mr. WEYGAND, Mr. SANDLIN, Mr. PAYNE, Mr. KUCINICH, Mr. FORBES, Mr. ALLEN, Mr. GREEN of Texas, and Mr. EVANS.
H.R. 3518: Mr. ARCHER, Mr. BAKER, and Mr. EWING.
H.R. 3546: Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Ms. CARSON, Mr. ENGEL, and Ms. KAPTUR.
H.R. 3573: Mr. YOUNG of Alaska.
H.R. 3628: Mrs. JOHNSON of Connecticut.
H.R. 3677: Mrs. CHENOWETH-HAGE, Ms. BERKLEY, Mr. METCALF, Mr. HAYWORTH, and Mr. RAHALL.
H.R. 3825: Ms. ESHOO and Ms. KILPATRICK.
H.R. 3883: Mr. UDALL of Colorado.
H.R. 3915: Mr. RANGEL, Mr. SAXTON, and Mr. KOLBE.
H.R. 3916: Mr. CAMP, Mr. CRANE, Mr. HOUGHTON, Mr. HULSHOF, Mr. SHAW, Mr. WELLER, Mr. JEFFERSON, Ms. DANNER.
H.R. 3980: Mr. FOSSELLA.
H.R. 4022: Mr. BALLENGER, Mr. CAMPBELL, Mr. MANZULLO, and Mr. TANCREDO.
H.R. 4033: Mr. GIBBONS and Mr. EHRLICH.
H.R. 4046: Mr. DEFAZIO.
H.R. 4053: Mr. BURTON of Indiana, Mr. BURR of North Carolina, and Mr. TANCREDO.
H.R. 4064: Mr. SCHAFFER, Mr. SOUDER, Mrs. CLAYTON, Mr. CHAMBLISS, Mr. POMBO, Mr. BARRETT of Nebraska, Mr. LUCAS of Oklahoma, Mr. HILL of Montana, Mr. HOBSON, Mr. LATHAM, Mr. COMBEST, Mr. HASTINGS of Washington, Mr. THORNBERRY, Mr. HUTCHINSON, Mr. PHELPS, Ms. DELAURO, Mr. ISTOOK, Mr. BONILLA, Mr. TERRY, Mr. COBURN, Mr. MINGE, Mr. BISHOP, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. BOSWELL, Mr. SHIMKUS, and Mr. GOODE.
H.R. 4066: Mr. BRADY of Pennsylvania, and Mr. TIERNEY.
H.R. 4076: Ms. STABENOW.
H.R. 4085: Mrs. CHENOWETH-HAGE.
H.R. 4086: Mr. HUNTER, Mr. LAHOOD, Mr. MCINNIS, Mr. MORAN of Kansas, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. SIMPSON, Mr. SKELTON, Mr. THUNE, and Mr. HASTINGS of Washington.
H.R. 4118: Mr. TANCREDO.
H.R. 4131: Mr. DOYLE.
H.R. 4132: Mr. SKEEN and Mr. ALLEN.
H.R. 4144: Mr. WHITFIELD and Mr. CRAMER.
H.R. 4154: Mr. HOSTETTLER, Mr. BAKER, and Mr. COOKSEY.
H.R. 4198: Mr. STEARNS, Mr. PAUL, and Mr. DOOLITTLE.
H.R. 4199: Mrs. WILSON.
H.R. 4207: Mr. SMITH of New Jersey, Mr. WEINER, Mr. WELLER, Mr. MOAKLEY, and Mr. HYDE.
H.R. 4215: Mr. NETHERCUTT and Mr. FOLEY.
H.R. 4236: Mr. SOUDER.

H. Con. Res. 74: Ms. LOFGREN.

H. Con. Res. 249: Mr. DEFAZIO and Mr. VISCLOSKY.

H. Con. Res. 256: Mr. LATHAM, Mr. LIPINSKI, and Ms. BALDWIN.

H. Con. Res. 295: Mr. LANTOS.

H. Con. Res. 297: Mr. SOUDER.

H. Res. 398: Mr. WEYGAND, Mr. HINCHEY, Mr. ACKERMAN, Mr. WYNN, Mr. TOWNS, Mr. UNDERWOOD, Ms. WOOLSEY, Ms. PELOSI, Mr. ENGEL, Mr. MEEHAN, Mr. BLILEY, Mr. VISCLOSKY, Mr. FILNER, Mr. PORTER, and Mr. LEVIN.

H. Res. 437: Mr. CASTLE.

H. Res. 464: Mr. WEXLER and Mr. CROWLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1824: Mr. KUCINICH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3439

OFFERED BY: MR. BARRETT OF WISCONSIN

AMENDMENT NO. 1: Page 4, beginning on line 9, strike paragraph (2) through line 20 and insert the following:

(2) REQUIRED DURATION OF MODIFICATION; PERMANENT CONDITIONS.—The Commission shall not modify such rules to eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A) until 6 months after the date on which the Commission submits the report required by subsection (b)(3). No such elimination or reduction may remove such separations with respect to third-adjacent channels occupied by stations that provide a radio reading service to the public. The Commission shall not extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853).

Page 6, line 19, insert before the period the following: '', or 6 months after the date of enactment of this Act, whichever is later''.

H.R. 3439

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 2: At the end of the bill add the following new section:

SEC. 3. ADDITIONAL MODIFICATIONS.

In prescribing the modifications required by section 2(a), the Federal Communications Commission shall—

(1) permit FM commercial translators located in counties where there is no allocated commercial FM station, to locally originate commercial FM programming on an unlimited basis;

(2) require such translators to abide by the same rules as full service (high power) FM stations; and

(3) permit such translators to increase their radiated power to 100 watts, using a directional antenna, if necessary, to protect co-channel and first-adjacent channel stations.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, APRIL 12, 2000 No. 46

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend William K. Simmons, of Lexington, KY.

We are glad to have you with us.

PRAYER

The guest Chaplain, the Reverend William K. Simmons, offered the following prayer:

Let's pray together.

Almighty God, this body gathers today to conduct the business of the Republic. We pause to give thanks for Your blessing on our land and to seek Your continued care. Honor, we pray, the deliberations of these, selected by the people to represent them in guiding our Nation toward the goals of freedom, justice, and equality for all. Give each Member a sense of Your presence as he or she deliberates; may their judgments be those You can and will bless.

We also remember the families of these present. Care for them whether they be here or back home. Keep them safe within Your protective Spirit.

May we always be mindful that governance is a sacred pact between the government and its people. Let us not in this seat of power fail to hear them. Bless these Senators this day and inspire them to serve the people with wisdom and humility. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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 able Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, on behalf of the leader, I announce that today the Senate will be in a period of morning business until 12 noon. Following morning business, it is hoped that an agreement can be reached regarding the consideration of the marriage tax penalty legislation. If an agreement is reached, Senators may expect votes throughout the day. If no agreement is reached, the Senate will remain in morning business, with Senators speaking for up to 5 minutes each. As previously announced, the Senate will consider the budget resolution conference report and the McConnell stock options bill prior to the Easter recess.

I thank my colleagues for their attention and yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that during the period of morning business today Senators DORGAN and DURBIN be recognized for up to 15 minutes each. This would kind of balance out the time on both sides; that is, after the 2-hour block of time that has been set aside for others already.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there shall now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the time until 11:30 a.m. shall be under the control of the Senator from Kansas, Mr. ROBERTS, and the Senator from Georgia, Mr. CLELAND.

The Senator from Nevada is recognized.

Mr. REID. 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. ROBERTS. 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. ROBERTS. Mr. President, it is my understanding that Senator CLELAND and I have 2 hours reserved under the previous order in morning business. Is that correct?

The PRESIDING OFFICER. The Senate is correct. Your time is reserved until 11:30 a.m.

NATIONAL SECURITY INTERESTS

Mr. ROBERTS. Mr. President, I am going to begin my remarks. We had originally intended for Senator CLELAND to begin this dialog. But I am going to go ahead since he has been detained. Then he can follow me. I do not think that is going to upset the order at all.

I thank my good friend, the distinguished Senator from Georgia, for this continued initiative and for his leadership in continuing our bipartisan foreign policy dialog.

As I said back in February during our first discussion, our objective is to try to achieve greater attention, focus, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

mutual understanding—not to mention a healthy dose of responsibility—in this body in regard to America's global role and our vital national security interests. Our goal was to begin a process of building a bipartisan coalition, a consensus on what America's role should be in today's ever-changing, unsafe, and very unpredictable world.

This is our second dialog. We will focus today on how we can better define our vital national interests.

In doing our homework, both Senator CLELAND and I have been doing a lot of reading and pouring over quite a few books and articles and commentaries and reports and legislation and speeches and position papers and the like. If it was printed, we read it.

We have also been seeking the advice and counsel of everybody involved—in my case, the marine lance corporal about to deploy to Kosovo, to the very serious and hollow-faced old gentleman I visited at a Macedonian refugee camp, as well as foreign dignitaries and the military brass we admire and listen to as members of the Armed Services Committee, and all of the current and former advisors and experts and think tank dwellers and foreign policy gurus and intelligence experts. Needless to say, our foreign policy and national security homework universe is ever expanding and apparently without end. I hope I didn't leave anybody out.

We both now have impressive bibliographies that we can wave around and put in the RECORD and we can recommend to our colleagues to prove that our bibliography tank, as it were, is pretty full. We have very little or no excuse if we are not informed.

There was another book I wanted to bring to the attention of my colleagues. Its title is ''Going for the Max.'' It involves 12 principles for living life to the fullest, written by our colleague and my dear friend, with a most appropriate and moving foreword from the Senate Chaplain, Dr. Lloyd Ogilvie. This is a very easy and enjoyable read with a very inspirational message.

Chapter 10 of MAX's book states—and this is important—that success is a team effort, that coming together is a beginning, keeping together is progress, and working together is a success.

That is a pretty good model for our efforts today and a recipe for us to keep in mind in this body as we try to better fulfill our national security obligations and to protect our individual freedoms.

Thank you and well done, to my distinguished friend.

Senator CLELAND, in his remarks, will quote Owen Harries, editor of the publication, the National Interest. He will point out the need for restraint in regard to exercising our national power. Editor Harris warned—and this is what Senator CLELAND will say—

> It is not what Americans think of the United States but what others think of it that will decide the matter.

When we are talking about ''matter,'' the ''matter'' in this case is stability and successful foreign and national security policy. I could not agree more. Senator CLELAND will go on to quote numerous statements from foreign leaders and editorials from leading international publications and commentaries from respected observers around the globe, from our allies and from the fence sitters and our would-be adversaries.

Sadly, I have to tell my colleagues that all were very critical of U.S. foreign policy. The basic thrust of the criticism, as described by Senator CLELAND—and he will be saying this. Again, I apologize that I started first. In the order of things, we are sort of reversing this. I am giving him a promo, if that is okay. At any rate, Senator CLELAND will state:

> The United States has made a conscious decision to use our current position of predominance to pursue unilateralist foreign and national security policies.

Senator CLELAND is right. Dean Joseph S. Nye of the Kennedy School of Government and former U.S. Assistant Secretary of Defense for International Security Affairs warns about the CNN effect in the formulation and conduct of our foreign policy; the free flow of information and the shortened news cycles that have a huge impact on public opinion, and placing some items at the top of the public agenda that might otherwise warrant a lower priority; diverting attention from the A list of strategic issues of vital national security. What am I talking about? What does this criticism really suggest?

We need to take the spin off. We need to take off our rose-colored, hegemonic glasses and take a hard look at the world and what the world thinks of us. I have a suggestion. It would only take Senators 10 minutes a day. Every Member of the Senate can and should receive what are called ''Issue Focus Reports.'' These are reports on foreign media reaction to the world issues of the day. They are put out by the State Department. We at least should be aware of what others think of us and our foreign policy. Unfortunately and sadly, it is not flattering.

For instance, the February 24 Issue Focus detailed foreign commentary from publications within our NATO allies, those who comprised Operation Allied Force in Kosovo, headlines of 39 reports from 10 countries. If my colleagues will bear with me a moment, these are some of the headlines. This is the Issue Focus I am talking about. It is a very short read. Senators could have that or could have this report at their disposal every week. Again, these are leading publications—some liberal, some conservative, some supportive of the United States and some not. Just as a catch-as-catch-can summary, listen to the headlines:

> Kosovo Unrest—A Domino Effect; Another War?; Wither Kosovo?; Holding Back The Tide Of Ethnic Cleansing; Losing The Peace; By The Waters of Mitrovica; West Won The War, But Now Faces Losing The Peace; Holding Fast In The Kosovar Trap; Speculation On U.S. Domination In The Balkans; Whoever Believed In Multi-Ethnic Kosovo; Kosovo Calculations; The U.S. Is Playing With Fire; The West Is Helpless In Kosovo; Mitrovica, The Shadow Of The Wall Is Back; Military Intervention Against Serbia A Mistake; U.S. and Europe Are Also Clashing In Mitrovica; Kosovo Chaos Is A Trap For NATO; A Failure That Burns; The Difficult Peace.

It goes on and on.

This kind of reading would help us a great deal in understanding how others really think of us. The March 24 Issue Focus, based on 49 reports from leading newspapers and publications in 24 countries, assessed the U.S. and NATO policy 1 year after Operation Allied Force in the bombing of Kosovo. Summed up, the articles conclude it is time to ask some hard questions. Some unsettling headlines—again, this is a wide variety of publications from all ideologies and the whole political spectrum:

> A War With No Results; No End To The Kosovo Tragedy; Europe's Leaders Warned Of A New Crisis; The West Fiasco In Kosovo; Halfway Results; A Year Later: Where Do We Stand; A Victory Gambled Away; No Sign Of Will For Peace; Making Progress By Moving Backwards In The Balkans.

Again, it goes on and on.

I don't mean to suggest that we should base our foreign policy on foreign headlines or perceived perception with regard to criticism in foreign countries. If we take the spin off, I think a case can be made that we are seeing a world backlash against U.S. foreign policy no matter how well-intentioned.

A timely article last month by Tyler Marshall and Jim Mann of the Los Angeles Times summarized it very well when they said:

> The nation's prominence as the world's sole superpower leaves even allies very uneasy. They fear Washington—

By the way, I certainly include the Congress—

> has lost its commitment to international order. America's dominant shadow has long been welcomed in much of the world as a shield from tyranny, a beacon of goodwill, an inspiration of unique values. But, ten years after the collapse of Communism left the United States to pursue its interests without a world rival, that shadow is assuming a darker character. In the State Department, it is called the hegemony problem, a fancy way of describing the same resentment that schoolchildren have for the biggest, toughest, richest and smartest kid in school.

The Marshall and Mann article goes on to say that America is suffering from a bad case of ''me first,'' that during the administration years we have seen a lot of focus and it has been on new objectives, pressing American commercial interests, the championing of democracy—certainly nothing wrong with that—and then the intervention, militarily, to protect human rights. They state the goals that concern the foreign leaders are less than the manner in which they have been pursued, a manner that appears inconsistent and sporadic and capricious. The article cites very serious backlash. Thirty-eight nations rallied to fight Iraq in 1991. Only Britain answers to the call today. Today, the French—our oldest ally—along with China, India, and Russia, have all discussed independently, or in consultation, ways to counter the balance of the enormity of American power.

Japan is making plans to develop an independent military capability. In Europe, pro-Americanism is on the wane. European leaders cut their teeth on the protests of the 1960s, not the American aid packages of the 1950s. The situation in Russia is especially perilous with Russians seeing secondhand treatment—by their definition—with the U.S. in regard to their continued economic morass, NATO expansion, Kosovo, and the American condemnation of Moscow's war against Chechnya.

Under the banner of the law of unintended effects, Washington Post columnist Charles Krauthammer opined the cost of our occupancy of Bosnia and Kosovo which has already cost tens of billions of dollars, drained our defense resources, and strained a hollow military which is charged with protecting vital American strategic interests in such crises areas as the Persian Gulf, the Taiwan Strait, and also the Korean peninsula. But he cited another cost, as he put it, more subtle and far heavier. He said that Russia has just moved from the democratically committed, if erratic, Boris Yeltsin to the dictatorship of the law, as promised by the new President, former KGB agent Vladimir Putin. I have his article. It is called ''The Path to Putin.'' I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PATH TO PUTIN

(By Charles Krauthammer)

In late February, as the first anniversary of our intervention in Kosovo approached, American peacekeepers launched house-to-house raids in Mitrovica looking for weapons. They encountered a rock-throwing mob and withdrew. Such is our reward for our glorious little victory in the Balkans: police work from which even Madeleine K. Albright, architect of the war, admits there is no foreseeable escape. (''The day may come,'' she wrote on Tuesday, ''when a Kosovo-scale operation can be managed without the help of the United States, but it has not come yet.'')

The price is high. Our occupations of Kosovo and Bosnia have already cost tens of billions of dollars, draining our defense resources and straining a military (already hollowed out by huge defense cuts over the last decade) charged with protecting vital American strategic interests in such crisis areas as the Persian Gulf, the Taiwan Strait and the Korean Peninsula.

But there is another cost, more subtle and far heavier. Russia has just moved from the democratically committed, if erratic, Boris Yeltsin to the ''dictatorship of the law'' promised by the new president, former KGB agent Vladimir Putin. Putin might turn out to be a democrat, but the man who won the presidency by crushing Chechnya will more likely continue as the national security policeman of all the Russias.

What does that have to do with Kosovo? ''Without Kosovo, Putin would not be Russian president today,'' says Dimitri Simes, the Russia expert and president of the Nixon Center.

The path from Kosovo to Putin is not that difficult to trace. It goes through Chechnya. Americans may not see the connection, but Russians do.

Russians had long been suffering an ''Afghan-Chechen syndrome'' under which they believed they could not prevail in local conflicts purely by the use of force. Kosovo demonstrated precisely the efficacy of raw force.

Russians had also been operating under the assumption that to be a good international citizen they could not engage in the unilateral use of force without the general approval of the international community. Kosovo cured them of that illusion.

And finally, Russia had acquiesced in the expansion of NATO under the expectation and assurance that it would remain, as always, a defensive alliance. Then, within 11 days of incorporating Hungary, Poland and the Czech Republic, NATO was launching its first extraterritorial war.

The Russians were doubly humiliated because the Balkans had long been in their sphere of influences with Serbia as their traditional ally. The result was intense anti-American, anti-NATO feeling engendered in Russia. NATO expansion had agitated Russian elites; Kosovo inflamed the Russian public.

Kosovo created in Russia what Simes calls a ''national security consensus:'' the demand for a strong leader to do what it takes to restore Russia's standing and status. And it made confrontation with the United States a badge of honor.

The dash to Pristina airport by Russian troops under the noses of the allies as they entered Kosovo was an unserious way of issuing the challenge. But the support this little adventure enjoyed at home showed Russian leaders the power of the new nationalism.

The first Russian beneficiary of Kosovo was then-Prime Minister Yevgeny Primakov. But it was Prime Minister Putin who understood how to fully exploit it. Applying the lessons of Kosovo, he seized upon Chechen provocations into neighboring Dagestan to launch his merciless war on Chechnya. It earned him enormous popularity and ultimately the presidency.

One of Putin's first promises is to rebuild Russia's military-industrial complex. We are now saddled with him for four years, probably longer, much longer.

The Clinton administration has a congenital inability to distinguish forest from trees. It obsesses over paper agreements, such as the chemical weapons treaty, which will not advance to American interests one iota. It expends enormous effort on Somalia, Haiti, Bosnia and Kosovo, places of (at best) the most peripheral interest to the United States. And it lets the big ones slip away.

Saddam Hussein is back building his weapons of mass destruction. China's threats to Taiwan grow. The American military is badly stretched by far-flung commitments in places of insignificance. Most important of all, Russia, on whose destiny and direction hinge the future of Eastern Europe and the Caspian Basin, has come under the sway of a cold-eyed cop, destroyer of Chechnya and heir to Yuri Andropov, the last KGB graduate to rule Russia.

Such is the price of the blinkered do-goodism of this administration. We will be paying the price far into the next.

Mr. ROBERTS. Charles Krauthammer points out in the article—and I will read a little of it—that, basically, what the Russians thought was the path from Kosovo to Putin is not that difficult to trace. It goes through Chechnya.

Americans may not see the connection, but the Russians do. The Russians have been operating under the assumption that to be a good international citizen, they could not engage in the unilateral use of force without the general approval of the international community. Well, Kosovo certainly cured them of that illusion. Finally, Russia acquiesced in the expansion of NATO under the expectation and assurance that it would remain always a defensive alliance. I am not arguing the pros and cons of that, but simply the reaction in Russia. Russians were doubly humiliated because the Balkans had long been in their sphere of influence, with Serbia as their traditional ally. The result was an intense anti-American, anti-NATO feeling engendered in Russia, and NATO expansion had really agitated the Russian elites, and Kosovo inflamed the Russian public.

So Kosovo created what has been called a national security consensus. The demand for a strong leader to do what it takes to restore Russia's standing and status made the confrontation with the United States a badge of honor. I will tell you, in going to Moscow and talking with Russian leaders regarding the very important cooperative threat reduction programs that happened to come under the jurisdiction of my subcommittee, you get a lecture on Kosovo for a half hour even before you have a cup of coffee. So this article has some merit.

In regard to Mr. Krauthammer's article:

> The first Russian beneficiary of Kosovo was then-Prime Minister Primakov. But it was Prime Minister Putin who understood how to fully exploit it. Applying the lessons of Kosovo, he seized upon the Chechen provocations into neighboring Dagestan to launch his merciless war on Chechnya. It earned him enormous popularity and ultimately the presidency.
>
> We are now saddled with him for four years, probably longer, much longer.

We hope the man without a face—which is how some describe Putin—we hope we can work with him and build a positive relationship. I think under the law of unintended effects, this is a good example.

In China, obviously, the political wounds fester in the wake of the U.S. bombing of the Chinese Embassy in Belgrade; the Taiwan issue, charges of espionage, and the criticism of human rights; and continued controversy over whether or not Congress will approve a trading status that will result in the U.S. simply taking advantage of trade concessions that the Chinese have made to us.

In Latin America, the lack of a so-called fast-track authority and U.S. trade policy is muddled. You can drive south into Central America and into trade relations with our competitors in the European Union. My friend from

Nebraska, Senator HAGEL, who will join us in about an hour, put it this way:

It worries me, first, because most of us are not really picking this up on our radar—this sense that we don't care about what our trading partners or allies think. It is going to come back and snap us in some ways. It will be very bad for this country.

Well, the criticism from the Marshall and Mann article becomes very harsh when they cite why the U.S. has become so aloof. I am quoting here:

* * * a President who engages only episodically on international issues and too often has failed to use either the personal prestige or the power of his office to pursue key foreign policy goals. * * * a Congress that cares little about foreign affairs in the wake of the Cold War and seems to understand even less. * * * a poisonous relationship between the two branches of our Government putting partisanship over national interests * * * an American public inattentive to world affairs and confused by all of the partisan backbiting now that the principal reference point—the evil of communism—has all but vanished as a major threat.

Indeed, that is a pretty harsh assessment. Aside from all the criticism and 20/20 hindsight—and it is easy to do that, trying to chart a well-defined foreign policy course is more complicated and difficult today than ever before. Both Senator CLELAND and I understand that. As chairman of the newly created Emerging Threats and Capabilities Subcommittee of the Senate Armed Services Committee, it seems as if we have a new emerging threat at our doorstep almost every day. I am talking about the proliferation of weapons of mass destruction, rogue nations, ethnic wars, drugs, and terrorism.

Concluding our second hearing on the subcommittee this session, and again asking the experts, ''What keeps you up at night?'' the answer came back: ''Cyber attacks and biological attacks'' from virtually any kind of source, and the bottom line was not if, but when.

So it is not easy, but if we are worried about proliferation of weapons of mass destruction, we should also be worried about the proliferation of overall foreign policy roles, not to mention the role the U.S. should play in the world today.

Some may say events of the day will determine our strategy on a case-by-case basis. That seems to be the case. But I say that is a dangerous path, as evidenced by adversaries that did not or will not believe we have the will to respond.

Former National Security Adviser, Gen. Brent Scowcroft, put it this way in a speech at the Brookings Institution National Forum, and he said this in response to some questions:

The nature of our approach to foreign policy also changed from, I would say, from foreign policy as a continuing focus of the United States, which it had been for the 50 years of the Cold War, to an episodic attention on the part of the United States, and thus without much of a theme, and further to that, a foreign policy whose decisions were heavily influenced by polls, by what was popular back home or what was assumed to be popular.

General Scowcroft went on to say:

So at a period when we should have been focusing on structures to improve the possibility that we could actually make some changes in the way the world operated, and some improvements, we have frittered away the time. I think never has history left us such a clean slate as we had in 1991. And we have not taken advantage of it.

One point on looking ahead from here. I think we have begun engaging on a fundamental transformation of the international system with insufficient thought.

We, NATO, President Clinton, the U.N. Secretary General, are moving to replace the Treaty of Westphalia, replacing the notion of the sovereignty of the nation-state with what I would call the sovereignty of the individual and humanitarianism. That is a profound change in the way the world operates. And we're doing it with very little analysis of what it is we're about and how we want this to turn out.

Evidenced by the Charles Krauthammer article.

Again I quote from the general:

In Kosovo, just for example, we conducted a devastating bombing of a country in an attempt to protect a minority within that country. And, as a result, we're now presiding over reverse ethnic cleansing. What's the difference between Kosovo and Chechnya?

That is a question not many of us want to ponder.

How many people must be placed in jeopardy to warrant an invasion of sovereignty? Where? By whom? How does one set priorities among these kind of crises?

And, events of the day, again dominated by the so-called CNN effect, ignore the same kind of core questions posed by General Scowcroft and reflected again in an article by Doyle McManus the Washington Bureau Chief of the Los Angeles Times: When should the United States use military power?

President Clinton has argued in the Clinton Doctrine that Americans should intervene wherever U.S. power can protect ethnic minorities from genocide. I would add a later UN speech seemed to indicate a backing off from that position.

How will the United States deal with China and Russia, the two great potentially hostile powers?

What is the biggest threat to our nation's security and how should the U.S. respond? Weapons of mass destruction head the list of course, but the President has added in terrorism, disease, poverty, disorder to the list.

I know about the Strategic Concept of NATO, when that was passed during the 50-year anniversary last spring in Washington. Those of us who read the Strategic Concept and all of the missions that entailed—moving away from a collective defense—we were concerned about that. We asked for a report as to whether that obligated the United States to all of these missions.

Finally, we received a report from the administration of about three pages. The report said we are not obligated and not responsible. If we are not responsible for the Strategic Concept of NATO, what are we doing adopting it?

When the U.S. acts, should it wait for the approval of the United Nations, seek the approval of our allies, or strike out on its own?

However, my colleagues, the biggest question remains and it was defined well by retired Air Force Brigadier General David Herrelko who wrote in the Dayton Daily News recently:

''The United States needs to get a grip on what our national interests are, what we stand for and what we can reasonably do in the world before we can size our military forces and before we send them in harms way. We must hammer out, in a public forum, just what our national priorities are.'' He says, and I agree, we cannot continue adrift. Consider this retired military man's following points:

More Americans have died in peacekeeping operations (Lebanon, Somalia, Haiti, Bosnia) than in military actions (Iraq, Panama, Grenada and Yugoslavia).

We have a president seeking United Nations approval for military intervention but skipping the dialogue with Congress.

I might add, the Congress skips the dialog with the President.

We commit our military forces before we clearly state our objectives.

We gradually escalate hostilities and we leave standing forces behind.

Some 7,000 now in Kosovo, and the peacekeepers. When there was no peace, they became the target.

General Herrelko ends his article with a plea: ''We are starved for meaningful dialogue between the White House and the Congress.''

I agree Mr. President and would add we are starved for dialogue here in the Senate as well and that is why we are here.

And, as Senator CLELAND has pointed out, our goal is not to achieve unanimity on each and every issue but to at least contribute to an effort to focus attention on our challenges instead of reacting piecemeal as events of the day take place.

And, goodness knows even if the foreign policy stadium is not full of interested spectators, we do have quite an array of players. LA Times Bureau Chief McManus has his own program:

Humanitarian interventionists, mostly Democrats and President Clinton with Kosovo being the prime example. Nationalist interventionists, mostly Republicans who would intervene in defense of democracy, trade and military security.

Realists, both Republicans and Democrats

I think Senator CLELAND would be in that category.

skeptical about intervention but wanting the United States to block any concert of hostile powers.

Minimalists, those who think the United States should stay out of foreign entanglements and quarrels and save its strengths for major conflicts.

Richard Haass, former foreign policy advisor in the Bush administration and now with the Brookings Institution, has defined the players in the foreign policy program much along the same lines as Senator CLELAND did in his opening remarks during our first forum last month:

Wilsonians who wish to assist other countries achieve democracy;

Economists, who wish to promote trade, prosperity and free markets;

Realists, who wish to preserve an orderly balance of power without worrying too much what kind of states are doing the balancing;

Hegemonists who want to make sure the United States keeps its status as the only superpower;

Humanitarians, who wish to address oppression, poverty, hunger and environmental damage;

And, Minimalists, who wish to avoid spending time or tax dollars on any of these matters.

I'm not sure of any of my colleagues would want to be identified or characterized in any one of these categories but again the key question is whether or not the members of this foreign policy posse can ride in one direction and better define our vital national interests and from that definition establish priorities and a national strategy to achieve them.

Fortunately, as Senator CLELAND has pointed out, some very distinguished and experienced national security and foreign policy leaders have already provided several road maps that make a great deal of sense. What does not make a great deal of sense is that few are paying attention.

Lawrence Korb, Director of Studies of the Council on Foreign Relations, in a military analysis published in a publication called ''Great Decisions'' has focused on the Powell Doctrine named after retired Joint Chiefs Chairman Colin Powell, citing the dangers of military engagement and the need to limit commitments to absolutely vital national interests. On the other hand, the sweeping Clinton Doctrine emphasizes a global policing role for the United States.

How do we reconcile these two approaches?

I am not sure there is only one yellow brick foreign policy road but there are several good alternatives that have been suggested:

First, I am going to refer to what I call the ''Old Testament'' on foreign policy in terms of vital national interests. This is the Commission on America's National Interests, 1996.

Second, a national security strategy for a new century put out by the White House this past December. If you are being critical, or suggesting, or if you have a different approach than the current policy, as I have been during my remarks, you have an obligation to read this. The White House put this out as of December of 1999.

Third, adapting U.S. Defense to Future Needs by Ashton Carter former Assistant Secretary of Defense for International Security in the first Clinton administration and currently professor of science and international affairs at Harvard.

We had him testify to this before the Emerging Threats Subcommittee just a month ago.

Fourth, defining U.S. National Strategy by Kim Holmes and Jon Hillen of the Heritage Foundation, a detailed summary of threats confronting us today with appropriate commentary about their priorities.

Fifth, transforming American Alliances by Andrew Krepinevvitch of the Center for Strategic and Budgetary Assessments.

He has been of real help to us in regard to the Emerging Threats subcommittee, and also the full Committee on Armed Services.

Sixth, a highly recommended article ''Back to Basics: U.S. Foreign Policy for the Coming Decade,'' by James E. Goodby, a senior fellow at the Brookings Institution and former Ambassador to Finland and Kenneth Wisebrode, Director of the International Security Program at the Atlantic Council of the United States.

In this regard, Messrs. Goodby and Weisbrode have summarized the concerns of Senator CLELAND and myself very well when they said:

The most common error of policymakers is to fail to distinguish among our levels of interest, leading to an over commitment to higher level interests. In other words, strategic or second tier interests, if mishandled, can threaten vital interests. But, strategic interests, if well understood and acted upon, can support vital interests.

Goodby and Weisbrode do us a favor by following the example of others in prioritizing our vital national security interests:

First and vital, homeland defense from threats to well being and way of life of the American people. I can't imagine anyone would have any quarrel with that.

Second and strategic, I am talking about peace and stability in Europe and northeast Asia and open access to our energy supplies.

Third, and of lesser interest, although it is of interest, stability in South Asia, Latin America, Africa, and open markets favorable to the United States and to world prosperity.

The authors suggest how to accomplish these goals with what they call three essential pieces of foreign policy balance:

First, stability and cohesion in Europe and between the European Union and the United States; second, mature and effective relations among China, Russia, and the West to include first among all others, a regular forum to oversee the reduction of the risk of nuclear weapons; and third, systematic patterns of consultation and policy coordination of the States benefiting from the global economy and positive relations between those States and the developing world.

The authors also suggest the means to their ends by looking ahead and stressing the need for eventual NATO and Russian cooperation and stability, the need for a similar organization and effort between the United States and China, Japan, Russia, and Korea, and lastly, American support for the United Nations.

In a self-acknowledged understatement, they state this is going to be a hard and tedious task. This is not easy. But it is absolutely necessary.

Now, Mr. Goodby and Mr. Weisbrode are not critical per se, but they issue a warning and this is what we are trying to bring to the attention of the Senate. It is central to what Senator CLELAND and I are trying to accomplish with these foreign policy and national security dialogs.

The public perception and the private reality suggest worrisome disorganization and a certain degree of impatience with a foggy conceptual foreign policy framework. It is time to return to the basic elements of the American role in the world and to raise the public understanding of them.

American strategic planners and policymakers cannot afford to be arbitrarily selective about where and when to engage U.S. power. This would make our foreign policy aimless and lose the support of the American people.

They continue:

We should set out each of America's interests and how they best may be achieved with the cooperation of other powers. However, this cannot take place until the executive and legislative branches of government resurrect the workable partnership in foreign affairs that once existed but exists no more.

And Senator CLELAND, my colleagues, that is why we are here today and that is why we are involved in this forum. In my personal view, we are starved for meaningful foreign policy and national security dialog between the White House and the Congress and within the Congress. The stakes are high.

I recall well the meeting in Senator CLELAND's office between Senator CLELAND, myself, and Senator SNOWE, worried about our involvement in the Balkans. I had an amendment, we had an amendment; we passed both amendments, setting out guidelines that the administration would respond, saying that before we spend money in regard to the defense appropriations or in the authorization bill, hopefully we can establish a better dialog, trying to figure out what our role was in regard to our constitutional responsibilities, I say to my good friend, without having to come to the floor with appropriations bills and have an amendment and say you can't spend the money for this until you explain this. That is no way to operate.

It seems to me we can do a much better job. The stakes are high.

As Carl Sandberg wrote of Americans: Always there arose enough reserves of strength, balances of sanity, portions of wisdom to carry the Nation through to a fresh start with ever renewing vitality.

I hope this dialog and these discussions, all of the priority recommendations we have had from experts in the field, will help us begin that fresh start. We cannot afford to do otherwise.

I ask unanimous consent to have printed in the RECORD a chart that outlines and prioritizes the vital national security interests of the United States as recommended by the many experts and organizations I have discussed earlier in my remarks. This chart was prepared by Maj. Scott Kindsvater, an outstanding pilot in the U.S. Air Force and a congressional fellow in my office.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFINING U.S. NATIONAL INTEREST

Source	Vital Interests	Important Interests	Other Interests
''A National Security Strategy for a New Century''; The White House; 1/5/2000.	1. Physical security of our territory and that of our allies. 2. Safety of our citizens. 3. Economic well-being of our society. 4. Protection of critical infrastructures from paralyzing attack (energy, banking and finance, telecommunications, transportation, water systems, and emergency services).	1. Regions where we have sizable economic stake or commitments to allies. 2. Protecting global environment from severe harm. 3. Crises with a potential to generate substantial and highly destabilizing refugee flows.	1. Responding to natural and manmade disasters. 2. Promoting human rights and seeking to halt gross violations of those rights. 3. Supporting democratization, adherence to the rule of law and civilian control of the military. 4. Promoting sustainable development and environmental protection.
''Americans and the World: A Survey at Century's End,'' Foreign Policy, Spring 1999.	American public's foreign policy priorities—1.—Prevent the spread of nuclear weapons. 2. Stop the influx of illegal drugs into U.S. 3. Protect American jobs. 4. Combat international terrorism. 5. Secure adequate energy supplies.—(American foreign policy leadership priorities)—1. Prevent the spread of nuclear weapons. 2. Combat international terrorism. 3. Defend the security of U.S. allies. 4. Maintain superior military power worldwide. 5. Fight world hunger.		
''America's National Interests,'' Commission on America's National Interests; 7/1996.	1. Prevent, deter, and reduce the threat of nuclear, biological, and chemical (NBC) weapons attacks on the United States. 2. Prevent the emergence of a hostile hegemon in Europe or Asia. 3. Prevent the emergence of a hostile major power on U.S. borders or in control of the seas. 4. Prevent the catastrophic collapse of major global systems: trade, financial markets, supplies of energy, and environmental. 5. Ensure the survival of US allies.	(Extremely Important)—1. Prevent, deter, and reduce the threat of the use of nuclear or biological weapons anywhere. 2. Prevent the regional proliferation of NBC weapons and delivery systems. 3. Promote the acceptance of international rules of law and mechanisms for resolving disputes peacefully. 4. Prevent the emergence of a regional hegemon in important regions, such as the Persian Gulf. 5. Protect U.S. friends and allies from significant external aggression. 6. Prevent the emergence of a reflexively adversarial major power in Europe or Asia. 7. Prevent and, if possible at reasonable cost, end major conflicts in important geographic regions. 8. Maintain a lead in key military-related and other strategic technologies (including information and computers). 9. Prevent massive, uncontrolled immigration across U.S. borders. 10. Suppress, contain, and combat terrorism, transnational crime, and drugs. 11 Prevent genocide.	Just Important—1. Discourage massive human rights violations in foreign countries as a matter of official government policy. 2. Promote pluralism, freedom, and democracy in strategically important states as much as feasible without destabilization. 3. Prevent and, if possible at low cost, end conflicts in strategically insignificant geographic regions. 4. Protect the lives and well-being of American citizens who are targeted or taken hostage by terrorist organizations. 5. Boost the domestic output of key strategic industries and sectors (where market imperfections may make a deliberate industrial policy rational). 6. Prevent the nationalization of U.S.-owned assets abroad. 7. Maintain an edge in the international distribution of information to ensure that American values continue to positively influence the cultures of foreign nations. 9. Reduce the U.S. illegal alien and drug problems. 10. Maximize U.S. GNP growth from international trade and investment.
''Adapting to U.S. Defence to Future Needs,'' Ashton B. Carter, Survival, Winter 1999–2000.	A-List: Potential future problems that could threaten U.S. survival, way of life and position in the world; possibly preventable—1. Danger that Russia might descend into chaos, isolation and aggression. 2. Danger that Russia and the other Soviet successor states might lose control of the nuclear, chemical and biological weapons legacy of the former Soviet Union. 3. Danger that, as China emerges, it could spawn hostility rather than becoming cooperatively engaged in the international system. 4. Danger that weapons of mass destruction (WMD) will proliferate and present a direct military threat to U.S. forces and territory.	B-List: Actual threat to vital U.S. interests; deterrable through ready forces—1. Major-Theater War in NE Asia. 2. Major Theater War in Southwest Asia.	C-List Important problems that do not threaten vital U.S. interests—1. Kosovo. 2. Bosnia. 3. East Timor. 3. Rwanda. 4. Somalia. 5. Haiti.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Georgia.

Mr. CLELAND. Mr. President, I cannot express strongly enough what an honor it is to be on the floor of the Senate and listen to my distinguished colleague talk about the need for a meaningful dialog on a subject that often gets put down at the bottom of the list when it comes to public issues. I am reminded of a line from one of Wellington's troops after the battle at Waterloo, after the battle was won, that in time of war, and not before, God of the soldier, men adore; but in time of peace, with all things righted, God is forgotten and the soldier slighted.

Unfortunately, I think my dear colleague, Senator PAT ROBERTS, and I have sensed that the vital interests of the United States, the interests that cause us to go to war, the interests that compel us to fight for our vital national interests, these basic fundamental principles have been lost in the shuffle. Somehow they have been slighted and somehow the issue of foreign policy and defense has been shoved to the background. We have lost sight of the basis of who we are and what we are about as we go into the 21st century, which is why we have tried through this dialog to call attention to this issue.

We have some wonderful colleagues joining in our dialog, including my fellow Vietnam veteran, Senator KERREY, and Senator HAGEL, as well as Senator HUTCHINSON and Senator KYL.

For a few weeks, I wondered whether I was a little bit out of touch and wondered whether or not this dialog on American foreign policy and global reach was something that was out of touch with what was going on in the world. I went back home the last few days and in my own hometown paper in Atlanta I came across an article, a New York Times piece, Anti-Americanism Growing Across Europe.

Hello. Good morning. I realized that what I was seeing in a daily newspaper was what I was attempting to engage here in terms of a perspective on our global reach, a sense that we were overcommitted in the world and yet underfunded, a sense of mismatch between our ends and our means to achieve those ends. I realized we really were on target.

In my State, we say that even a blind hog can root up an acorn every now and then. I think my distinguished colleague and I from Kansas have rooted up an acorn.

We are on to something. That is a reason why I am strengthened in pursuing this dialog, and I am delighted we will have additional Senators entering into this dialog because unless we ourselves begin to define who we are as a nation, what we want out of our role as a nation, and where we want to go and how we exercise our power, unless we decide it, it will occur by happenstance. We will move from crisis to crisis. We will not have a plan and we will end up in places in the world where we know not of what we speak.

One of the quotes I have come across, one of the lines that continues to reinforce my view of my own concern and caution about America's expanded role in the world, is from our first dialog back in February when Owen Harries, editor of the National Interests, summed up his views on the appropriate approach for the United States in today's world with the following comments: I advocate restraint because every dominant power in the last four centuries that has not practiced it, that has been excessively intrusive and demanding, has ultimately been confronted by a hostile coalition of other powers. Americans may believe that their country, being exceptional, need have no worries in this respect. I do not agree. It is not what Americans think of the United States but what others think of it that will decide the matter. Anti-Americanism is growing across Europe. The distinguished Senator from Kansas has accumulated, in a shocking way, some headlines from 40 or 50 newspapers among our allies and our friends, questioning our role, particularly in the Balkans, but questioning our exercise of power, as it were.

The foreign perspective is not one to which we generally devote much attention in the Congress, certainly after the cold war is over, but our attention to foreign affairs has been slight. We do not really devote much attention to foreign affairs and consideration of our foreign policy options unless we are threatened.

I am delighted Senator ROBERTS is sitting as the chairman of the Emerging Threats Subcommittee in the Armed Services Committee. He has his eye on the ball, certainly an emerging ball in terms of threats to our country. I think the overall threat is that we do not realize one could occur now that the cold war is over.

I think, also, one of the emerging threats, from my point of view, is that we will overcommit and overexpand and overreact and, instead of being only a superpower working with others and sharing power, we will wind up imposing—by default, almost, in the power vacuums around the world—a pax Americana that cannot be sustained by the will of the people in this country—again, a mismatch between means and ends.

But it is important, as Mr. Harries suggests, to focus on this issue.

I have spent some time, over recent months, as has the distinguished Senator from Kansas, reviewing what foreign opinion makers and leaders are saying about the United States. While we may think, as I do, that our country has not made a clear choice about our global role, the view from abroad is very different. Many people think we have chosen the path we are now on.

A Ukrainian commentator, in the Kiev newspaper Zerkalo Nedeli, wrote in April of last year:

> Currently, two opinions are possible in the world— the U.S. opinion and the wrong opinion. . . .

He said the U.S.

> . . . has announced its readiness to act as it thinks best, should U.S. interests require this, despite the United Nations. And let those whose interests are violated think about it and draw conclusions. This is the current world order or world disorder.

That, from Kiev.

The influential Times of India editorialized in July of last year:

> New Delhi should not lose sight of the kind of global order the U.S. is fashioning. NATO's policies towards Yugoslavia and the U.S.-led military alliance's new Strategic Concept are based on the degradation of international law and a more muscular approach to intervention. Such a trend is certainly not in India's interest.

So India has concluded: Why don't we go it alone? Why don't we develop ourselves as a nuclear power?

The President of Brazil was quoted on April 22 of last year in an interview with a Sao Paulo newspaper as to his views about the United States: While President Cardoso was generally sympathetic to the United States and supportive of good bilateral relations between our two countries, the President of Brazil nonetheless expressed certain misgivings about our approach to international relations.

He said:

> The United States currently constitutes the only large center of political, economic, technologic, and even cultural power. This country has everything to exert its domain on the rest of the world, but it must share it. There must be rules, even for the stronger ones. When the strongest one makes decisions without listening, everything becomes a bit more difficult. In this European war, NATO made the decision, but who legalized it? That's the main problem. I am convinced more than ever that we need a new political order in the world.

I think I am correct that Jack Kennedy once indicated we would seek a world where the strong are just and the weak preserved. Because we are strong now, I think we have to have an inordinate sense of being just. But these are all voices from countries that have not traditionally been close to the United States. Let's look, then, at some of our NATO allies, nations with whom we presumably share the closest relationships and common interests.

In a commentary from February of last year in Berlin's Die Tageszeitung, a German writer observes:

> There is a growing number of people with more and more prominent protagonists who are at odds with American supremacy and who are inclined to see the action of the State Department as a policy of interests. And Washington is offering no reason to deny the justification of these reservations. As unilateral as possible and as multilateral as necessary—that's the explicit maxim under which U.S. President Bill Clinton has pursued his foreign and defense policies in the last 2 years.

From Italy, an Italian general expressed the following view in the December 1999 edition of the Italian geopolitical quarterly LiMes:

> The condition all the NATO countries as a whole find themselves in is closer to the condition of vassalage with respect to the United States than it is to the condition of alliance. NATO is not able to influence the policy of the United States because its existence in effect depends on it. No member countries are able to resist the American pressures because their own resources are officially at the disposal of everybody and not just the United States.

What evidence do our foreign friends cite for such concerns? The influential left-of-center Dutch daily NRC Handelsblad wrote last October:

> The U.S. Senate's rejection of the Comprehensive Test Ban Treaty does not just represent a heavy defeat for President Clinton. Far more important are the consequences for world order of treaties designed to stop the proliferation of weapons of mass destruction and hence boost world security. . . .

According to this newspaper in the Netherlands:

> Unfortunately, the decision fits in with a growing tendency on the part of U.S. foreign policy to place greater emphasis on the United States' own room for maneuver and less on international cooperation and traditional idealism.

In a similar vein, the Times of London carried a commentary last November. It said:

> The real fear is of an American retreat, not to isolationism, but to unilateralism, exacerbated at present by the post-impeachment weakness of President Clinton and his standoff with the Republican Congress. That's shown by the Senate's rejection of the Comprehensive Test Ban Treaty, the stalling of free trade initiatives, and the refusal to pay arrears to the United Nations. The U.S. is seen as wayward and inward-looking.

While there are some exceptions, the majority of statements I looked at expressed the view the United States has indeed made the conscious decision to use our current position of predominance to pursue unilateralist foreign and national security policy.

When I first came to Washington 30-some-odd years ago as a young intern, I found out there could not be a conspiracy here. We are not that well organized. There cannot be a unilateralist conspiracy in the world by the United States—we are not that well organized. What has evolved is a sense in which we have moved from crisis to crisis and looked at power vacuums and said, ''We need to be there.''

I like the notion that General Shelton has about the use of American military power. He says:

> We've got a great hammer, but not every problem in the world is a nail.

I do like President Kennedy's insight, too, that there is not necessarily an American solution for every problem in the world.

Yet we act as if there is. If one looks at the outcomes of recent American foreign policy debates, it is easy to see how those viewing us from a distance might come to such a conclusion. Since I have come to the Senate, the U.S. Government through the combined efforts of the executive and the legislative branches—what are, relatively speaking, nondiscussions, I might add—has made the following decisions: Withheld support from the international landmines treaty; rejected jurisdiction by the new international criminal court; been slow to pay off long overdue arrears to the United Nations; rejected the current applicability of international emissions standards set at Kyoto; rejected fast-track international trade negotiating authority for the President; rejected the Comprehensive Test Ban Treaty, apparently committed to a national missile defense system which will violate the ABM Treaty; and established a principle of ''humanitarian intervention'' where national sovereignty can be violated without United Nations sanction under certain circumstances.

My purpose here is not to argue for or against any of these individual positions; for, indeed, I have supported some of them as, indeed, have virtually every Member of the Congress and the administration. But, as far as I know, not one of us has supported them all.

If the Republican congressional majority has been largely responsible for the actions rejecting multilateral commitments and entanglements in the national security sphere, it is my party, the Democrats, who has taken the lead in opposing international trade obligations, and the Democratic administration which has espoused the cause of humanitarian interventions in violation of national sovereignty. In short, the sum total of our actions has been far more unilateral than any of us would have intended or carved out for ourselves.

This is relatively incoherent, and I can see why other nations might view us as more organized than we are.

It is also very damaging to our national interest and is one of the major motives for our efforts to promote this development of a bipartisan consensus through these floor debates. We have to get back to some basic understanding of who we are and what we are doing in the world.

As was discussed in our first dialog, there are certainly some leading voices among America's foreign policy thinkers who do, indeed, advocate a unilateralist course for America in the post-cold-war era, but not even that group actually believes we have actually embarked upon that course. Very few believe we are willing to invest sufficient resources today to even pursue the somewhat less demanding multilateralist approach which seems to have more support among our foreign policy establishment.

The direct danger to America from this mismatch between means and ends, between our commitments and our forces, between our aspirations and our willingness to pay to achieve them is one of the central concerns for our discussion today and one I will turn to later. However, I want to conclude these opening remarks with an observation about indirect consequences of this situation with respect to the credibility of American foreign policy abroad.

The chief of the research department of the Japanese Defense Agency's National Institute for Defense Studies wrote in March of last year:

> (O)pinion surveys in the United States show that people are inclined to think that the United States should bear as little burdens as possible even though the country should remain the leader in the world. This thinking that the United States should be the world's leader but should not bear too much financial burden may be contradictory in context, but is popular among Americans. This serves as a warning to the international community that the United States might get at first involved in some international operations but run away later in the middle of the operations, leaving things unfinished.

Because we do not have a comprehensive strategy, because we do not talk to each other enough, because we do not have a proper dialog, particularly in this body, and because we move from crisis to crisis in our foreign policy and come up with different solutions for different situations without a clear understanding of who we are and where we are going, we are sending a mixed message to even our best friends.

To me, the case is clear: If we are to avoid misunderstandings at home and abroad, if we are to prevent unwanted and unintended conclusions and consequences, as the distinguished Senator from Kansas mentioned, about our objectives, we have to pull together and forge a coherent, bipartisan consensus to guide our country in the uncertain waters of the 21st century. Those who came before us and built this country into the grand land it is today, and those who will inherit it from us in the years ahead deserve no less.

I am honored to yield to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Parliamentary inquiry: I believe I have 1 hour reserved in morning business and that the distinguished Senator from Georgia has 1 hour; is that correct?

The PRESIDING OFFICER. There are 2 hours under the control of both Senators.

Mr. ROBERTS. I inform my colleagues that Senator HUTCHISON of Texas and Senator HAGEL will be taking part, and I think perhaps Senator KERREY will be coming to the floor. Senator HAGEL will be arriving in about 9 minutes. If my distinguished colleague wants to summarize any other comments or perhaps go over the Commission on America's National Interests, I think now is the time to do so, if he is prepared to do that.

Mr. CLELAND. Mr. President, I want to add some additional comments, if that is all right with my distinguished colleague.

Earlier, I spoke about the mismatch between the goals of American foreign policy and the means we employ in achieving them. Whether one espouses a unilateralist or multilateralist approach, or something in between, most of those with a strong interest in American foreign policy have major goals for that policy, whether in preventing the emergence of global rivals or in promoting the spread of democracy, whether in halting the spread of weapons of mass destruction or in protecting human rights. Yet today we devote a little over 1 percent of the Federal budget for international affairs, compared to over 5 percent in 1962 in the middle of the cold war.

Of particular concern to me as a member of the Armed Services Committee, since the 1980s we have gone from providing roughly 25 percent of the budget for national defense to 18 percent today. We have reduced the active-duty armed forces by over one-third but have increased overseas deployments by more than 300 percent. I have often said we have, as a country, both feet firmly planted on a banana peel. We are going in opposite directions. That cannot last. We have a mismatch between our commitments and our willingness to live up to those commitments. We are sending a mixed message abroad.

What is the result of all of this? Newspapers reported that last November, for the first time in a number of years, the U.S. Army rated 2 of its 10 divisions as unprepared for war. Why were they unprepared for war? Because they were bogged down in the Balkans. That was never part of the deal going into the Balkans, that an entire U.S. Army division would be there for an indefinite period of time. No wonder these other two divisions were unprepared for war because they had elements in the Balkans doing something else—not fighting a war, but peacekeeping missions.

The services continue to struggle in meeting both retention and recruiting goals, and the service members and their families with whom I meet and who are on the front lines in carrying out the policies decided in Washington are showing the visible strains of this mismatch between our commitments and our resources. They deserve better from us.

I hope other Senators had an opportunity to watch Senator ROBERTS' discussion of our national interests during our February 24 dialog. If not, I commend my colleagues' attention to those remarks as printed in the CONGRESSIONAL RECORD of that date.

In brief, he stated the opinion, which I share, that in the post-cold-war world, our country has had a hard time in prioritizing our national interests, leading to confusion and inconsistency. He went on to cite the July 1996 report by the Commission on America's National Interests, of which he was a member, along with our colleagues Senators JOHN MCCAIN and BOB GRAHAM and my distinguished predecessor, Sam Nunn.

Of particular relevance to our topic today of defining and defending our national interests, the Commission found:

> For the decades ahead, the only sound foundation for a coherent, sustainable American foreign policy is a clear public sense of American national interests. Only a national-interest-based foreign policy will provide priorities for American engagement in the world. Only a foreign policy grounded in American national interests will allow America's leaders to explain persuasively how and why specific expenditures of American treasure or blood deserve support from America's citizens.

As my colleagues will note from the charts I have, the Commission went on to divide our national interests into four categories. They defined "vital interests" as those:

> Strictly necessary to safeguard and enhance the well-being of Americans in a free and secure nation.

And as Senator ROBERTS has discussed, and you can see on the chart, they found only five items which reached that high standard.

In addition to attempting to identify our national interests, the commission also addressed the key issue of what we should be prepared to do to defend those interests:

> For "vital" national interests, the United States should be prepared to commit itself to fight, even if it has to do so unilaterally and without the assistance of allies.

But there is a lower priority than that.

Next in priority come "extremely important interests"—these are not vital; but they are extremely important—defined as those which:

> . . . would severely prejudice but not strictly imperil the ability of the U.S. Government to safeguard and enhance the well-being of Americans in a free and secure nation—

And for which:

> the United States should be prepared to commit forces to meet threats and to lead a coalition of forces, but only in conjunction with a coalition or allies whose vital interests are threatened.

Next, third, we have another set of interests. These are called "just important interests." They are not vital, not necessary. These are important, which would have major negative consequences:

The United States should be prepared to participate militarily, on a case-by-case basis, but only if the costs are low or others carry the lion's share of the burden.

Finally, last, comes the most numerous but lowest priority category of ''less important or secondary interests,'' which:

Are intrinsically desirable but that have no major effect on the ability of the U.S. government to safeguard and enhance the well-being of Americans in a free and secure nation.

My colleagues in the Senate, this is exactly the kind of exercise—of defining and differentiating our national interests, and of gauging the proper kind and level of response for protecting such interests—that we need to be engaging in if we are to bring coherence and effectiveness to our post-cold war foreign and national security policy. Everything is not the most important thing to do. Everything is not necessarily in America's vital interest to do. It is, in my judgment, what we must do in considering our policies, particularly toward the Balkans and now with a plan in Colombia to involve ourselves in a war against narcotraffickers in Colombia. We need to do several things. We need to ask ourselves: How vital are our interests in those areas? And what are we willing to pay to protect those interests?

What about the role of other countries, who, for reasons of history and geography, may have even greater national interests at stake?

Senator ROBERTS pointed out back in February the similarities between the Commission on America's National Interests list of ''vital'' interests and related compilations by other groups and individuals. I believe, for example, that the commission's definitions of ''vital'' and ''extremely important'' national interests are quite compatible with the relevant portions of the January 2000 White House ''National Security Strategy for a New Century.'' The conflicts will lie in applying these general principles to specific cases. That is what Senator ROBERTS and I intend to do with the remaining sessions of these global role dialogs, including such applications as the role of our alliances and the decision on when and how to intervene militarily.

However, from my perspective, though we may have some implicit common ground as to our most important national interests and what we should be prepared to do in defending them, in the real world where actions must count for more than words and where capabilities will inevitably be given greater weight than intentions, the picture we too often give to the world—of unilateralist means and narrowly self-interested ends—and to our own citizens—of seemingly limitless aspirations but quite limited resources we are willing to expend in achieving them—is surely not what we should be doing.

Samuel P. Huntington writes in the March/April edition of Foreign Affairs:

Neither the Clinton administration nor Congress nor the public is willing to pay the costs and accept the risks of unilateral global leadership. Some advocates of American global leadership argue for increasing defense expenditures by 50 percent, but that is a nonstarter. The American public clearly sees no need to expend effort and resources to achieve American hegemony. In one 1997 poll, only 13 percent said they preferred a preeminent role for the United States in world affairs, while 74 percent said they wanted the United States to share power with other countries. Other polls have produced similar results. Public disinterest in international affairs is pervasive, abetted by the drastically shrinking media coverage of foreign events. Majorities of 55 to 66 percent of the public say that what happens in western Europe, Asia, Mexico, and Canada has little or no impact on their lives. However much foreign policy elites may ignore or deplore it, the United States lacks the domestic political base to create a unipolar world. American leaders repeatedly make threats, promise action, and fail to deliver. The result is a foreign policy of ''rhetoric and retreat'' and a growing reputation as a ''hollow hegemon.''

One of my favorite authors on war and theorists on war, Clausewitz, put it this way:

Since in war too small an effort can result not just in failure but in positive harm, each side is driven to outdo the other, which sets up an interaction. Such an interaction could lead to a maximum effort if a maximum effort could be defined. But in that case, all proportion between action and political demands would be lost: means would cease to be commensurate with ends, and in most cases a policy of maximum exertion would fail because of the domestic problems it would raise.

I think we are maximally committed around the world. I think we have to review these commitments because I am not quite sure we have the domestic will to follow through on them or the budgets to take care of them. We do not want to risk failure.

Once again, I thank all of the Senators who have joined in today's discussion. I have benefitted from their comments, and encourage all of our colleagues of whatever party and of whatever views on the proper U.S. global role to join in this effort to bring greater clarity and greater consensus to our national security policies through these dialogs. Our next session will be on the role of multilateral organizations, including NATO and the United Nations, and is scheduled to occur just after the Easter break.

During the Easter break I intend to go visit our allies and friends in NATO, in Belgium, to go to Aviano to get a background briefing on how the air war in the Balkans was conducted, to go on to Macedonia and into Kosovo itself to see our forces there. That would be over the Easter break. I will go back through London to get a briefing from our closest ally, our British friends.

I hope to come back to the Senate in a few weeks with a more insightful view of what we should do, particularly in that part of the world, regarding our responsibilities.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. First, again, I thank my good friend, the distinguished Senator from Georgia, for this continued initiative and his leadership in what we think is a bipartisan foreign policy dialog. I hope it is successful.

We said back in February during our first discussion that our objective was to try to achieve greater attention, focus, and mutual understanding—not to mention a healthy dose of responsibility—in this body in regard to our global role.

I repeat again, in chapter 10 of the Senator's book that he has provided to every Senator, with a marvelous introduction by our Chaplain, the Senator stated that success is a team effort, that coming together is a beginning, keeping together is progress, and working together is success. That is a pretty good motto for our efforts today, as well as a recipe for our foreign policy goals.

I am very privileged to yield 15 minutes to the distinguished Senator from Nebraska, Mr. HAGEL. He is a recognized expert in the field of international affairs, and more especially, a strong backer of free trade. I seek his advice and counsel often on the very matters that we are talking about.

I am delighted he has joined us. I yield 15 minutes to the distinguished Senator and my friend.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, first, let me acknowledge the leadership of my colleagues from Georgia and Kansas for bringing attention and focus to an area that does not often get appropriate focus. It is about international affairs—the connecting rods to our lives in a world now that is, in fact, globally connected.

That global community is underpinned by a global economy. There is not a dynamic of the world today, not an action taken nor a consequence of that action, that does not affect America, that does not affect our future. I am grateful that Senators CLELAND and ROBERTS have taken the time and the leadership to focus on an area of such importance to our country.

I point out an op-ed piece that appeared in Monday's Washington Post, written by Robert Kagan, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 10, 2000]

A WORLD OF PROBLEMS . . .

(By Robert Kagan)

Call me crazy, but I think it actually would serve the national interest if George W. Bush spent more time talking about foreign policy in this campaign. Not to slight the importance of his statements on the environment and the census. But perhaps Bush and his advisers can find time to pose a simple, Reaganesque question: Is the world a safer place than it was eight years ago?

A hundred bucks says even James Carville can't answer that question in the affirmative—at least not with a straight face. A brief tour d'horizon shows why.

IRAQ

As the administration enters its final months, Saddam Hussein is alive and well and Baghdad, pursuing his quest for weapons of mass destruction, free from outside inspection and getting wealthier by the day through oil sales while the sanctions regime against him crumbles. The next president may see his term dominated by the specter of Saddam Redux.

THE BALKANS

You can debate whether things are getting better in Bosnia, or whether Kosovo is on its way to recovery or to disaster. And Clinton deserves credit for intervening in both crises. But Slobodan Milosevic is still in power in Belgrade, still stirring the pot in Kosovo and is on the verge of starting his fifth Balkan war in Montenegro. Milosevic was George Bush Sr.'s gift to Bill Clinton; he will be Clinton's gift to Al Gore or George Jr.

CHINA-TAIWAN

Even Sinologists sympathetic to the Clinton administration's policies think the odds of military conflict across the Taiwan Strait have increased dramatically. Meanwhile, the administration's own State Department acknowledges the steady deterioration of Beijing's human rights record. Good luck to Al Gore if he tries to call China policy a success.

WEAPONS PROLIFERATION

Two years after India and Pakistan exploded nuclear devices, their struggle over Kashmir remains the likeliest spark for the 21st century's first nuclear confrontation. If this is the signal failure of the Clinton administration's nonproliferation policies, North Korea's and Iran's weapons programs come in a close second and third. Even the administration's intelligence experts admit that the threat to the United States has grown much faster than Clinton and Gore anticipated. And where is the missile defense system to protect Americans in this frightening new era?

HAITI AND COLOMBIA

After nobly intervening in Haiti to restore a democratically elected president in 1994, the administration has frittered away the past 5½ years. Political assassinations in Haiti are rife. Prospects for stability are bleak. Meanwhile, the war in Colombia rages, and even a billion-dollar aid program may not prevent a victory by narco-guerrillas. When the next president has to send troops to fight in Colombia or to restore order in Haiti, again, he'll know whom to thank.

RUSSIA

Even optimists don't deny that the election of Vladimir Putin could be an ominous development. The devastation in Chechnya has revealed the new regime's penchant for brutality.

Add to all this the decline of the armed forces—even the Joint Chiefs complain that the defense budget is tens of billions of dollars short—and you come up with a story of failure and neglect. Sure, there have been some successes: NATO expansion and, maybe, a peace deal in Northern Ireland. Before November, Clinton could pull a rabbit out of the hat in the Middle East. But Jimmy Carter had successes, too. They did not save him from being painted as an ineffectual world leader in the 1980 campaign.

Bush maybe gun-shy about playing up foreign policy after tussling with John McCain in the primaries. But Gore is no McCain. He is nimble on health care and education, but he is clumsy on foreign policy. Bush may not be a foreign policy maven, but he's got some facts on his side, as well as some heavy hitters. Colin Powell, Dick Cheney, Goerge Shultz and Richard Lugar, instead of whispering in W.'s ear, could get out in public and help build the case. John McCain could pitch in, too.

The offensive can't start soon enough. The administration has been adept at keeping the American people in a complacent torpor: Raising the national consciousness about the sorry state of the world will take time. And if Bush simply waits for the next crisis before speaking out, he will look like a drive-by shooter. Bush also would do himself, his party and the country a favor if he stopped talking about pulling U.S. troops out of the Balkans and elsewhere. Aside from such talk being music to Milosevic's ears, Republicans in Congress have been singing that neo-isolationist tune for years, and the only result has been to make Clinton and Gore look like Harry Truman and Dean Acheson.

Some may say it's inappropriate to "politicize" foreign policy. Please. Americans haven't witnessed a serious presidential debate about foreign policy since the end of the Cold War. Bush would do everyone a service by starting such a debate now. He might even do himself some good. Foreign policy won't be the biggest issue in the campaign, but in a tight race, if someone bothers to wake the people up to the world's growing dangers, they might actually decide that they care.

Mr. HAGEL. Mr. Kagan is a senior associate at the Carnegie Endowment for International Peace. He echoes what Senators ROBERTS and CLELAND have talked about; that is, the vital interests of our country in world affairs. He suggests that America's two Presidential candidates this year, Governor Bush and Vice President GORE, focus attention in the remaining months of this Presidential campaign on international issues. He lays out a number of areas in the world that are of vital consequence and concern to not only those particular regions but to the United States.

The point is, others are coming to the same conclusions and realizations as our friends from Georgia and Kansas: that international relations is the completeness of all of our policies—trade, national security, economy, geopolitics. It is, in fact, a complete policy.

We are living in a most unique time in history, a time when everything is possible. We live in a time when we can do more good for mankind than ever in the history of the world. Why is that? It deserves some perspective and some review.

Over the last 50 years, it has been the multilateral organizations of the world, beginning with the visionary and foresighted leadership of Harry Truman after World War II and a Republican Congress, working jointly to develop and implement multilateral policies and organizations such as the United Nations, such as what was born at Breton Woods, the IMF, the World Bank, trade organizations, multilateral peace, financial organizations—all are imperfect, all are flawed. But in the real world, as most of us understand, the choice is seldom between all good, the easy choice, and all bad. Normally our foreign policy and every dynamic of that foreign policy, be it foreign aid, be it national security interests, be it geopolitical interests, falls somewhere between all good and all bad. It is a difficult position to have to work our way through.

With this weekend's upcoming annual meetings for the IMF and the World Bank and the number of guests who will be coming to Washington—I suspect not exactly to celebrate the IMF and the World Bank and the World Trade Organization and other multilateral organizations—it is important that we bring some perspective to the question that fits very well into the larger question Senators ROBERTS and CLELAND have asked; that is, is the world better off with a World Trade Organization, with a world trade regime, its focus being to open up markets, break down barriers, allow all nations to prosper? And how do they prosper? They prosper through free trade. Underpinning the free trade is individual liberty, individual freedom, emerging democracies, emerging markets.

We could scrap the World Trade Organization, 135 nations, and go back to a time, pre-World War II, that essentially resulted in two world wars, where there would be no trading regime. Those countries that are now locked in poverty have to go it on their own. That is too bad. We can scrap the World Trade Organization. While we are at it, have the IMF and the World Bank added to any prosperity in the world? Have they made mistakes? Yes.

Let's examine some of the underlying and most critical and realistic dynamics of instability in the world. We do know that when there is instability, there is no prosperity and there is no peace. What causes instability?

Let's examine what it is that causes instability. When you have nations trapped in the cycle of hopelessness and the perpetuation of that cycle because of no hope, no future, poverty, hunger, pestilence, what do we think is going to happen? History is rather complete in instructing us on this point: conflict and war. When there is conflict and war, is there an opportunity to advance the causes of mankind? No. Why is that? Let's start with no trading. There are no markets. Do we really believe we can influence the behavior of nations with no contact, no engagement, no trade? I don't think so.

As many of our guests who are arriving now in Washington, who will parade up and down the streets, burning the effigies of our President and the Congress and the World Trade Organization and the IMF and the World Bank—and I believe sincerely their motives are pure; that they wish to pull up out of abject poverty the more than 1.5 billion people in the world today, which is a worthy, noble cause—I think the record over the last 50 years is rather complete in how that has been done to help other nations over the last 50 years do that a little differently than tearing down the multilateral institutions that have added to prosperity and a better life and a hope for mankind.

I will share with this body a couple of facts from the 1999 Freedom House survey. Most of us know of the organization called Freedom House. It issued its first report in 1978. This is what Freedom House issued on December 21, 1999: 85 countries out of 192 nations today are considered free. That represents 44 percent of the countries in the world today. That is the second largest number of free countries in the history of man. That represents 2.34 billion people living in free countries with individual liberties, 40 percent of all the people in the world. Fifty-nine countries are partly free, 31 percent of the countries. That represents 1.5 billion people living in partly free countries, 25 percent of the world's population.

What are the real numbers? Seventy-five percent of the countries, largest in the history of mankind, are living in either free or partly free countries. Forty-eight countries not free. That represents 25 percent of the population of the world.

What does that mean? Let's go back and examine about 100 years ago where the world was. At the turn of the century, no country on Earth, including the United States, had universal suffrage. Less than 100 years ago, the United States did not allow women to vote, and there were other human rights violations we accepted in this country. My point is, the United States must be rather careful not to moralize and preach to the rest of the world. Yes, we anchor who we are on the foundation of our democracy and equal rights, but it even took America 250 years to get as far as we have come.

So we should, if nothing else, at least be mindful of that as we dictate to other countries. Now, as we examine a number of the points that have been made this morning and will be made throughout the next few months about foreign policy, it is important for us to have some appreciation and lend some perspective to not only the tremendous progress that has been made in the world today, and the hope we have for tomorrow, and the ability and the opportunities we have to make the world better—and it is fundamentally about productive capacity, individual freedoms, trade, free markets, private investment, rule of law, rights, contract law, all that America represents, all that three-fourths of the world countries and population represent. It is solutions, creative solutions, for which we are looking.

Creative solutions will come as a result of imaginative and bold leadership. As I have said often when I have been challenged about America's role in the world and is America burdening itself with too much of a role—incidentally, what should our role be? That is a legitimate debate. But I have said this: America has made its mistakes. But think of it in this context. If America decides that its burden is too heavy, whether that be in the area of contributions to the United Nations, to NATO, wherever we are around the world, as an investment, we believe in markets, in freedom, in opportunity, in less war, less conflict, a future for our children, for whatever reason, if we believe we are too far extended—and that is a legitimate question—and we will have an ongoing dynamic debate on the issue and we should remind ourselves of this—the next great nation on earth—and there will be a next great nation if America chooses to recede back into the cold, gray darkness of mediocrity—that next great, powerful nation may not be quite as judicious and benevolent with its power as America has been with our power. That is not the world that I wish my 7-year-old and 9-year-old children to inherit.

If there is an additional burden—and there is—for America to carry on to be the world's leader, for me, it is not only worthy of the objective to continue to help all nations and raise all nations' opportunities, but realistically, geopolitically, it is the only answer for the kind of world that we want not just for our children but for all children of the world.

So rather than tear down organizations and tear down trade regimes and tear down organizations that are focused on making the world better, we should ask our friends who are coming to Washington this week to give us creative solutions and be part of those creative solutions.

Mr. President, I am grateful for an opportunity to share some thoughts and hopefully make a contribution to what my friend from Georgia and my friend from Kansas have been about today and earlier in our session. This will continue throughout this year because through this education and this information and this exchange of thoughts and ideas we will fundamentally broaden and deepen the foundation of who we are as a free nation and not be afraid of this debate in front of the world. It is the debate, the borderless challenges of our time—terrorism, weapons of mass destruction, the scourge of our time, illegal drugs—that must be confronted and dealt with as a body of all nations, all peoples. Understanding and dealing with these fundamental challenges and issues are in the common denominator, mutual self-interest of all peoples.

Again, I am grateful for their leadership. I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator for his very valuable contribution and for taking part.

How much time does the Senator from Texas need? We have approximately 25 minutes still remaining under morning business.

Mrs. HUTCHISON. Up to 15 minutes, or if someone else is scheduled in, let me know.

Mr. ROBERTS. Mr. President, I will soon yield to the Senator from Texas. She has been a champion on behalf of our men and women in uniform. She is a former member of the Armed Services Committee, now a very valued and influential member of the Appropriations Committee. These are the folks who have the obligation and responsibility to pay for a military that I believe today is stressed, strained, and somewhat hollow, unfortunately.

I think Senator HUTCHISON, probably more than any other Senator, has been very diligent expressing concern and alerting the Senate and the Congress and the American people as to our commitments abroad, what is in our vital national security interests, and the problems we have talked about regarding an overcommitment.

The Senator has come to me on repeated occasions when proposing amendments. Sometimes she has withdrawn them, and other times she has proceeded but always prompting a debate on the Senate floor where there literally has been none in regard to our military policy and when we commit the use of force. She has pointed out, I think in excellent fashion, the paradox of the enormous irony that we have in Bosnia where we are supporting a partitioned kind of society among three ethnic groups, or nationalities; whereas, just to the south, in Kosovo, our goal is to somehow promote a multiethnic society where the divisions are at least equal to that in Bosnia.

Senator HUTCHISON not only comes to the floor and expresses her opinion, but her opinion is based on facts and on actually being present in the area with which we are concerned. She has been a repeat visitor to Bosnia, Kosovo, and every troubled spot I can imagine, including Brussels and Russia. She does more than talk to officials. Senator HUTCHISON, when she goes on a co-del, not only talks to the briefing folks, but she actually goes out to the people involved and talks about their daily lives, their individual freedoms, their pocketbooks. She talks to these folks individually and gives us a healthy dose of common sense and reality when she is reporting on it. We are glad to welcome her to this debate. I yield the Senator 15 minutes.

Mrs. HUTCHISON. Mr. President, I thank the Senators for taking time on the Senate floor to discuss an issue which is not before us this very minute, but it is something that requires much more thought, much more long-term debate in the Senate.

I commend the leadership of these two distinguished members of the Armed Services Committee on a bipartisan basis. Certainly, both have served in our military quite honorably, and especially Senator CLELAND, who has given so much for our country. I say thank you for setting aside this time. I look forward to participating on future occasions that you are setting aside for discussion of the big picture items.

I think one of the problems we face today is we haven't truly come to grips with what America's role in the world is in the post-cold-war era. The issues you are bringing forth are exactly what we should be setting out in order to have a policy in the post-cold-war era that allows the United States to take its rightful place and do the very best job we can for America and for our allies around the world.

It is an understatement to say that the United States is the world's only superpower. In pure military terms, we are a colossus. Our troops are in Japan, Korea, throughout Europe, and in the Middle East. We guard countless other nations. We keep tyrants in check from Baghdad to Pyongyang to Belgrade. No other nation has ever wielded such military power.

Leadership on this scale requires discretion, the confidence to know the right course, and the will to pursue it—the confidence to know when not to engage but to encourage others to do so.

True leadership is striking out on a right course of action grounded in a central philosophy of advancing the American national interests. Simply put, both our allies and our enemies must know what to expect from the United States of America. We must always be strong. We must rely upon diplomacy to maintain much of our leadership. But when diplomacy fails, global leadership may require the use of military force.

When and how should the United States use our military power?

There was a time when the answer was clear. During the cold war, we determined we should only use military force when our vital national interests were clearly threatened. In the cold war, there was a clear military focus on a threat we could easily identify. We knew that if we acted, the Soviets would react. There was a clarity.

Today, however, because we are the only superpower, we are often called upon to act when there is a crisis anywhere in the world. Leadership in this instance requires much more discipline than in the past.

In our political system, that discipline comes from the checks and balances that have been built into it.

The only clear authority our Constitution grants to the President in committing our forces to conflict is in the role of Commander in Chief to deploy troops. But equally clear in the Constitution, Congress alone has the power to declare war, to raise and support an Army, and to provide for the Navy.

Our framers couldn't have been more clear on this issue. They did not break with the monarchy in England to establish another monarchy in America. They feared placing in the hands of the President the sole power to commit to war and also implement that war. Yet, especially in the last 50 years, Presidents have sent our troops into conflict without formal declaration of war that would be required by Congress, and not only for emergencies such as repelling sudden attacks that were envisioned by our founders.

Congress is being gradually excluded in its constitutional role in foreign policy. The consultation process is broken, and it must be fixed.

In a representative democracy such as ours, elected officials must stand up and be counted when the fundamental decisions of war and peace are made.

I believe it is important for Congress to reclaim its deliberate role intended by the Constitution. I have proposed limits on the duration and size of a force that can be deployed without congressional approval. I have proposed that the President be required to identify the specific objectives of a mission prior to its approval by Congress.

Too often operations such as those we have seen in Bosnia, and now Kosovo, become open ended with no milestone to measure success, no milestone to measure failure, and no exit strategy.

It is the hallmark of this administration for the United States to go into regional crises and displace friendly, local powers who share our goal and could act effectively on their own. In Kosovo, we fought and sustained an unsustainable government. We are trying to prevent the realignment of a region where the great powers have tried and failed many times to impose their will on ancient hatred and atrocities.

In fact, I am interested in working with others to see if we can address this issue. We must condition future peacekeeping funds on the requirement that the administration reconvene the parties to the Dayton peace accords that ended in the Bosnia conflict, and those involved in the Rambouillet talks that resulted in Kosovo, and other regional interests.

We must review the progress we have made and begin developing a long-term settlement based on greater self-determination by the governed and less wishful thinking by outside powers. This will probably involve tailoring the current borders to fit the facts on the ground. But this will create the condition for a genuine stability and reconstruction. When we take up further funding of Bosnia and Kosovo, I am not going to try to determine the outcome of these talks, but it is essential that we reconvene the parties to see where we are. For Heaven's sake, that is a modest proposal from the world's only superpower.

Years ago, President Nixon laid out principles on how our military forces should be used overseas. Based upon his principles, I offer the following outline for a rational superpower to try to bridge the ethical question:

First, we should acknowledge that bold leadership means war is the last resort—not the first. We cannot let our allies and our enemies suck us into regional quicksand. This is what happened in Bosnia and Kosovo. Our allies refused to act on their own, insisting they could not take military action without a commitment of U.S. troops. That was not the case. Our European allies have sophisticated military forces. We should have been ready with backup assistance with heavy air and sea support, intelligence monitoring, supplies, and logistical coordination, but they did not need our combat leadership for a regional conflict that could be contained by their own superb ground forces.

Second, we should not get involved in civil conflicts that make us a party to the conflict. We learned this with tragic consequences in Somalia when we got in between warring forces trying to capture one warlord. Yes, Serbia has a terrible leader. And it was tempting to punish him with our military force. But look who pays the price with many innocent civilians in Serbia as well. Often these types of missions are ones in which our allies can do a better job because oftentimes it takes more money and it is less efficient for American troops to do peacekeeping missions.

When we commit 10,000 troops, it is not 10,000 troops. It is 10,000 troops on the ground and 25,000 troops in the surrounding perimeter to protect them. This is because American troops are always the target wherever they are, as they were in Somalia and as they have been in Kosovo. You are never going to hear me say we should not have the protection force. Of course, we are going to have the protection force if our troops are involved.

I have heard it said by many in our military who come home from overseas that if there is an incident, it is going to be against us.

I have heard our military people say if they are walking with other groups of military on parade, that people who are wishing to protest will let the Turks go by, the French go by, and the Brits go by. They wait for the Americans to hurl the epitaphs. We have to have a protection force. But that is not the case for many of our allies.

Third, why not help those who are willing to fight for their own freedom? The administration seems to see no option between doing nothing and bombing someone into the stone age. There are, too often, other options. These options that we ignore, and sometimes even oppose, include local forces willing to fight for their own freedom.

In Bosnia, for example, since 1991, we have maintained an arms embargo on the Muslim forces who wanted, and begged, to be able to fight for themselves. I met with them many times. I have been to Bosnia and that region seven times. I am going again next week. I am going to have Easter services with the great 49th Division, the reserve unit that is in control of the peacekeeping mission in Bosnia. Congress voted to lift the arms embargo and allow the Muslims to have arms to defend themselves, but the administration opposed it. For 3 years the Muslims and Croats were routed because they could not fight. They didn't have the arms. But the Croats got the arms, they ignored the arms embargo, and they fought back. When they did, President Milosevic cut a deal.

I think we need to look at the option of helping people who are willing to help themselves rather than keep a fight artificially unfair.

Fourth, we should not even threaten the use of troops except under clear policies. One clear policy should be if the security of the United States is at risk. When should we deploy our troops? We need a higher standard than we have seen in the last 6 years. Look at the war in the Persian Gulf. The U.S. security interests were at stake. A madman, with suspected nuclear and biological weapons, invaded a neighboring country and threatened the whole Middle East. It could have realigned the region in a way that would have a profound impact on the United States and our allies and subjected the entire territory to chemical, biological, and perhaps nuclear weapons.

We, of course, should always honor our commitments to our allies. If North Korea invades the south, we are committed to helping our allies. We also have a responsibility toward a democratic Taiwan, which has been under constant intimidation from Communist China. We have the world's greatest military alliance, NATO, where we are committed to defend any one of those countries that might be under attack from a foreign power.

It is in the U.S. interest that we protect ourselves and our allies with a nuclear umbrella. Yes, we would use troops to try to make sure a despot didn't have nuclear capabilities.

These are clear areas of U.S. security interests. However, the United States does not have to commit troops on the ground to be a good ally. If our allies believe they must militarily engage in a regional conflict, that should not have to be our fight.

The United States does not have to commit troops to be a good ally. If our allies believe they must militarily engage in a regional conflict, that should not have to be our fight. We could even support them in the interest of alliance unity. We could offer intelligence support, ''airlift,'' or protection of noncombatants. We do not have to get directly involved with troops in every regional conflict to be good allies.

When violence erupted last year in Indonesia, we got it about right. We stepped aside and let our good ally Australia take lead. We helped with supplies and intelligence, but it wasn't American ground troops facing armed militants.

Instead, we should focus our resources where the United States is uniquely capable; in parts of the world where our interests may be greater or where air power is necessary.

It is not in the long-term interest of our European allies for U.S. forces to be tied down on a peacekeeping mission in Bosnia or Kosovo while in some parts of the world there is a danger of someone getting a long-range missile tipped with a germ warhead provided by Saddam Hussein and paid for by Osama Bin Laden.

A reasonable division of labor—based on each ally's strategic interests and unique strengths—would be more efficient and more logical.

What has been the result of our unfocused foreign relations? Qualified personnel are leaving the services in droves. In the past 2 years, half of Air Force pilots eligible for continued service opted to leave when offered a $60,000 bonus.

The Army fell 6,000 short of the congressionally authorized troop strength last year. We used up a large part of our weapons inventory in Kosovo. We were down to fewer than 200 cruise missiles worldwide. That may sound like a lot, but it's just a couple of days worth in Desert Storm.

So let's be clear that if we do not discriminate about the use of our forces it will weaken our core capabilities. If we had to send our forces into combat, it would be irresponsible to send them without the arms they need, the troop strength they need, and the up-to-date training they must have. It takes 9 months to retrain a unit after a peacekeeping mission into warlike readiness.

As a superpower, the United States must draw distinctions between the essential and the important. Otherwise, we could dissipate our resources and be unable to handle either. To maximize our strength, we should focus our efforts where they can best be applied. That is clearly air power and technology. This will be the American responsibility, but troops on the ground where those operations fall short of a full combat necessity can be done much better by allies with our backup rather than us taking the lead every time.

Any sophisticated military power can patrol the Balkans, or East Timor, or Somalia. But only the United States can defend NATO, maintain the balance of power in Asia, and keep the Persian Gulf open to international commerce.

I thank the distinguished Senators ROBERTS and CLELAND for allowing Members to discuss these issues in a way that will, hopefully, help to solve them in the long term.

Mr. ROBERTS. Senator CLELAND and I thank the distinguished Senator from Texas for her contribution.

MEASURE READ FOR THE FIRST TIME—H.R. 1838

Mr. ROBERTS. Mr. President, I understand H.R. 1838 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative assistant read as follows:

A bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

Mr. ROBERTS. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

Mr. ROBERTS. I yield the floor.

ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Mr. CLELAND. I understand Senate Resolution 286 expressing the sense of the Senate that the U.S. Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), introduced earlier today by Senator BOXER and 32 cosponsors, is at the desk, and I ask for its immediate consideration.

Mr. ROBERTS. On behalf of the majority of the committee, I object.

The PRESIDING OFFICER. The objection is heard.

The resolution will go over under the rule.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. If there is a 5-minute limit on morning business speeches, I ask unanimous consent to speak for 9 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 2404 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LAUDRIEU, Mr. GRAMM, and Mr. CRAIG pertaining to the introduction of legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. I thank the Chair, and I yield the floor.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Members permitted to speak up to 10 minutes each, until the hour of 1:30 p.m. today, with time to be equally divided between the two leaders.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2323

Mr. CRAIG. Mr. President, I ask unanimous consent that at 1:30 p.m. today the Senate proceed to the consideration of Calendar No. 481, S. 2323, under the following limitations: 1 hour for debate on the bill, equally divided between the majority and minority leaders or their designees. I further ask consent that no amendments or motions be in order to the bill, and that following the use or yielding back of time, the bill be read a third time and, finally, the Senate then proceed to a vote on the passage of the bill, with no intervening action or debate, at a time to be determined by the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that though we have the previous unanimous consent agreement, I be able to speak for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE MARRIAGE TAX PENALTY

Mr. GRAMM. Mr. President, yesterday, as I listened to our Democrat colleagues talking about the marriage penalty elimination, and their opposition to our bill, I got interested in this debate and eager to speak on it.

I know we have not been able to work out an agreement yet to bring the bill to the floor. I know our Democrat colleagues have refused to agree to limiting it to amendments relevant to the marriage penalty. We all know the easiest way to kill something around here is to pile a bunch of extraneous amendments on it.

I am hopeful we can work out these differences and that we can have a vote on eliminating the marriage penalty. The American people have a right to know where Members of the Senate stand on this critically important issue.

The repeal of the marriage penalty was adopted in the House by an overwhelming vote. I believe it should be repealed. I am hopeful the President will sign the bill, even though to this point in time he says he will not. But rather than waiting around for some agreement to be made—that may never be made—I felt I had something to say that ought to be heard on this issue.

What I would like to talk about today is, first, to set this debate within the context of the President's budget and basically highlight the choice we are making between spending here in Washington, where we sit around these conference tables and make decisions to spend billions of dollars, and spending back home in the family, where the families sit around the kitchen table and try to decide how to spend hundreds of dollars or thousands of dollars for themselves.

I would like to talk about our repeal of the marriage penalty and why it is the right thing to do, why it is not just a tax issue, why it is a moral issue. This is a moral issue we are talking about.

I want to talk about the so-called marriage bonus that some of our colleagues have thrown up. I want to try to point out how it is one of the more phony issues that has ever been discussed.

I want to talk about President Clinton's alternative to our repeal of the marriage penalty.

Finally, I want to talk about the last form of bigotry that is still acceptable in America; that is, bigotry against the successful.

I would like to try to do all that in such a way as to deviate from my background as a schoolteacher and be brief.

First of all, let's outline the choices we have. The President has proposed in his budget that we spend $388 billion over the next 5 years on new Government programs and expansions of programs.

This is brand new spending. This is $388 billion the President's budget says we ought to spend above the level we are currently spending, and we ought to do it on a series of new programs and program expansions—about 80 new programs and program expansions.

We have proposed that we give the people of America $150 billion of the taxes they have paid above the level we need to fund the Federal Government, and at the same time to save every penny of money that came from Social Security taxes for Social Security.

Many people who have followed this debate heard our Democrat colleagues spend all of yesterday saying, it is dangerous, it is irresponsible, it is reckless to let the American people keep $150 billion of this non-Social Security surplus we have in the budget because the American economy is generating more revenues than we need to pay for the current Government.

The question I would ask, and that I would ask Americans as they are sitting in front of their television screens or as they are sitting around the kitchen table doing their budget, is: How come it is irresponsible for us to let working families spend $150 billion more of their own money, but it is not irresponsible to let President Clinton and Vice President Gore and the Democrats spend $388 billion of their money? How come it is irresponsible when families get a chance to keep more of what they earn, and yet it is not irresponsible to take more than twice that amount of money and spend it in Washington, DC?

Why repeal the marriage penalty? Gosh, most people are shocked when they discover that we have such a thing. Let me quickly point out, I do not think anybody ever set out with a goal of imposing a penalty on marriage.

When many of the provisions of the Tax Code were adopted, only 30 percent of adult women worked outside the home; now it is roughly 60 percent. The world has changed dramatically since much of the Tax Code was written.

As Abraham Lincoln recognized long ago: To expect people to live under old and outmoded laws is like expecting a man to be able to wear the same clothes he wore as a boy. It just does not work.

No matter who set out to do it, we have in today's Tax Code a provision of law that basically produces a situation where, if two people, both of whom work outside the home, meet and fall in love and get married, they end up paying on average about $1,400 a year in additional income taxes. Paradoxically, that is true if they meet, fall in love, and decide to get married on the last day of December. They pay $1,400 more of income taxes for the right to live in holy matrimony for one day. The number gets much bigger for working couples who make substantial income, and it gets bigger for working couples who make very moderate income.

Today, if a janitor and a waitress—the janitor has three children; the waitress has four children; they are both working; they are struggling, trying to do the toughest job in the world, which is to make a single-parent home functional—meet and fall in love and have the opportunity to solve one of their great problems, by their getting married, they not only both lose their earned-income tax credit but they end up in the 28-percent tax bracket. We literally have a disincentive in the Tax Code for people to form the most powerful institution for human happiness and progress in history; that is, the family.

This obviously makes no sense. Nobody argues that it makes sense. Even the people who oppose repealing it agree that the Tax Code does not make any sense. They simply want to spend the money that would be given back, and so they don't want to give it back. They don't say it makes sense. They don't say it is fair.

I think it is not only unfair, it is immoral. How dare we have a Tax Code that penalizes people for getting married? So we want to repeal it.

Where does the penalty come from? I know people's eyes glaze over when we talk about numbers. I will not talk about many of them today, but let me try to explain why it happens.

If you are single and filing your tax return, you pay at the 15-percent rate on income up until you earn $25,750. Let's say you and your sweetheart both get out of school and begin teaching, and you both make $25,000 a year, and you are both paying 15-percent marginal tax rates. If you get married, then, at a combined income of $43,000, roughly, you go into the 28-percent tax bracket.

So the first reason for the marriage penalty is that in the case of these two young people who fell in love, got married, were making $25,000 each, they were paying 15-percent marginal tax rates each, and they got married, $7,000 of their joint income is taxed at 28 percent.

Secondly, the standard deduction is such that you end up losing and getting a smaller standard deduction by getting married than if you stayed single.

The net result is, the standard deduction for a married couple is less than the sum of the two deductions for two individuals who are single. You get into the 15-percent tax bracket at a lower income. You get into the 28-percent tax bracket at a lower income.

The bottom line is, when you take into account that rather than getting $8,600 in a combined standard deduction, you only get $7,200, and when you take into account that you get into the 28-percent tax bracket $7,000 sooner, the net result is, on average, for those Americans who fall in love and get married, they pay on average $1,400 a year for the privilege of being married.

We get rid of the marriage penalty for everyone. How do we do it? First of all, we say, whether you are single or whether you are married, you get the same standard deduction. If it is you and your wife filing a joint return, you get twice what you would have gotten filing individually, or you get the combination of what she would have gotten and what you would have gotten. We then stretch the 15-percent tax bracket to assure that by getting married, married couples do not get pushed into a higher tax bracket. Then we stretch the 28-percent tax bracket to be sure that by getting married, people don't get pushed into the 31-percent tax bracket.

The net result of our bill is, we totally repeal the marriage penalty. As a result, the average taxpaying family in America would get about $1,400 more that they could spend themselves on their own families.

I know every time we talk about appropriations here, spending money in Washington, people talk about compassion: We are spending money on education, housing, nutrition, those things we are all for. By repealing the marriage penalty and letting families keep $1,400 of their own money to spend on their own children, they are going to spend it on education, housing, and nutrition—the education they choose, the housing they choose, and the nutrition they choose. That is what we want to do.

The alternative is proposed by President Clinton. I want people to know that when the President stands up and says, I am for repealing the marriage penalty just as the Republicans are, only I want to do it differently, he is not quite leveling with you. You need to know that.

How can I possibly say such a thing? First of all, when you look at the fine print of the President's tax cut, the first year, he raises taxes by $10 billion; the second year, he raises taxes by $1 billion. At the end of 5 years, which will be in the second term of the next President—or it could be two Presidents from now—finally, the Clinton plan will grant a grand total of a $5 billion tax cut. When the President is saying he gets rid of the marriage penalty, he is not leveling with you.

Let us talk about who is excluded. I am sure people know the code. If they don't know the code, I want them to know it. Whenever President Clinton and Vice President GORE and the Democrats want to deny people the ability to keep money they earn, or whenever they want to raise their taxes, there is one label they always stick on them—they are ''rich.'' Every time taxes are raised, if you listen to President Clinton and Vice President GORE, we raised taxes on ''the rich.''

Go back and look at the President's tax increase he proposed in 1993. It turned out that if you were earning $25,000 a year and were drawing Social Security, you were rich. That is how they define rich. Then they had tax increases on families making $44,000 a year. Ask yourself, how did they get rich?

Well, when you looked at the way President Clinton and Vice President GORE proposed their tax increase, to calculate who had to pay it, they added what you would have to pay in rent to rent your home if you owned your home, they calculated what your retirement had grown by, they calculated the value of your health insurance, they calculated the value of your parking place. Some family in Texas making $44,000 a year, thinking they were a long way from being rich, suddenly, with all of President Clinton's amazing ability to twist the facts, they were making $75,000 a year, if they owned their own home, owned their own car, had a parking place at work, if they owned life insurance.

But the point was that supposedly they were rich. Now, I am sure if you followed this debate, you have heard our Democrat colleagues say that the Republican bill gives relief from the marriage penalty to people who are rich. Well, who are they talking about?

Well, under the President's bill, he raises the standard deduction, though not enough to eliminate the marriage penalty coming from it, and he does nothing to eliminate the fact that young people, or people who are married, get into the 28-percent tax bracket $7,000 earlier. So when we stretch the 15-percent tax bracket, who are we helping that the President says is rich? It seems to me that is a reasonable question. Who are these rich people we are helping that the President's bill would not give the tax relief to by stretching the 15-percent tax bracket?

Well, the people we are helping, as it turns out, are people who make $21,525 each. So that if you have a fireman and you have a dental technician and they meet and fall in love, under the President's notion of rich, you are rich. And to quote one of our Democrat colleagues: ''You don't deserve to have this penalty eliminated because you don't need it; you are rich.'' Under their bill, two people who get married and who each make $21,525 would be denied the relief we grant by stretching the 15-percent tax bracket.

Now, ultimately, I ask people, if you are making $21,525, are you rich? You may not think you are, but realize that when President Clinton and Vice President GORE and the Democrats are talking about rich people, they are not talking about Rockefeller, they are not talking about Mellon, and they are not talking about all of these new rich people who came from the information age; they are talking about you if you make over $21,525.

Under the President's proposal, he gives no marriage penalty relief if one parent stays at home. So under the President's plan, if you sacrifice and give up things in order that one parent can stay at home, you are rich. Under the President's proposal, you don't deserve any relief under eliminating the marriage penalty. Let me quickly add, I don't want to get into a judgment—and I am not going to—on whether one parent should stay at home. My mama worked my whole life because she had to. My wife has worked the whole lives of our children because she had a career and she wanted to. I think people have to make the decision for themselves. This is the point. You are not rich because you make a decision that one of you should stay home and take care of your children.

The President says that if you itemize your deductions—and about half of all families who make $30,000 or more itemize deductions, and everybody does that owns a home—you are rich and therefore you don't get marriage penalty relief. The President's plan would grant marriage penalty relief at a maximum of $43.50 the first year.

This is my point. Does anybody really believe that somebody making $21,525 is rich? Does anybody believe that every family in America where one of the parents stays at home with their children is rich? Does anybody believe that every family who owns a home is rich? Does anybody believe that anybody who makes $30,000 a year and itemizes on their taxes is rich? I submit that nobody believes that. But why does the President say it? Why does the Vice President say it? Why do our Democrat colleagues say it?

Let me tell you the only thing I can figure out. The alternative to saying that you are against repealing the marriage penalty, because it goes to the rich, is to say you are against it because you want to spend it in Washington. I think what the President, the Vice President, and their supporters have concluded is that it is not viable to stand up on the floor of the Senate, or in front of a television camera anywhere, and say it probably is unfair that you are paying $1,400 for the right to be married; but, look, we can spend the money in Washington better than you can, and it is better to let us keep it because we will spend it and we will make you better off. I don't think anybody would believe that and so, as a result, we see an effort to confuse people by saying, well, look, we just don't want to give this to the rich. But who gets tax relief to eliminate the marriage penalty under our bill and ends up not getting the full relief under the President's bill? People making $21,525 each, people who choose to have one parent stay at home, people who own their home or itemize deductions.

So the plain truth is, those are the people who are being called rich. I don't think that is an accurate portrayal of rich. But, look, what is wrong with being rich? I will address that in a moment. You have heard, and you will hear again as this debate progresses, about a marriage bonus. Let me not mince words. If there has ever been a fraudulent idea in any debate in American history, it is the marriage bonus. Clearly, some minion at IRS was ordered by a politician to give a justification for continuing the marriage penalty, and after great exertion and twisting of logic, they came up with the concept of a marriage bonus—that there are actually people getting a bonus from being married—an average of about $1,300, I think it is, for these people who supposedly get the bonus.

What is this bonus? The bonus is the following thing. I have two sons; one is 24 and one is 26. They have been on my payroll for those corresponding numbers of years. I, as many parents, look forward to them being off my payroll. If a wonderful, successful girl came along and married one of them, she would get a marriage bonus. She would get to take a standard deduction by having them on her payroll instead of my payroll. She would be able to file jointly with them and stay in the 15-percent tax bracket, up to $43,000 a year. She would end up getting, on average, about an $1,300 benefit by marrying one of my sons. I would lose the benefit, but would I complain? Would this be a great economic deal for her? I mean, let's get serious. Can you feed, clothe, house, educate, and entertain somebody for $1,300 a year, or $1,400 a year, or $4,000 a year?

We insult the intelligence of the American people by talking about a marriage bonus as if the piddling amount of deduction that people get when they marry someone who doesn't work outside the home as if somehow that is a bonus to them, when it is a tiny fraction of what it costs, basically, to care for someone in America.

Let me say I would be willing to supplement the marriage bonus that someone would get by taking one of my sons off my payroll. Maybe for love someday it will happen. I hope so. But for economic reasons, nobody is going to marry somebody to get their standard deduction because they cannot feed them, house them, clothe them, and all the other things they need for them.

Let's not insult the intelligence of the American people by sighing: Oh, yes, it is true that the average family with two members who work outside the home pay $1,400 of additional taxes for the right to be married, but there are these people who get a bonus. The bonus is a fraud. The tax penalty is very real.

I want to turn to the final question. It is one about which I have thought a lot and about which I feel very strongly. That is all this business about, every time we debate anything related to the Tax Code, we are always talking about rich people.

For some reason, the President and the Vice President and many members of their party believe you have to constantly divide Americans based on their income. I strongly object to it because I think it is very destructive of everything this country stands for.

There are a lot of things I have always admired about my mama. But the one thing I think I admire the most is, when I was a boy and we were riding around in a car, we would ride down the nicest street in town, and my mama would almost always say, ''If you work hard and you make good grades, someday you can live in a house like that.''

By the logic of the President and the Vice President and many members of their party, my mother should have been saying: Those are rich people. They probably stole this money from us. It is outrageous that they have this money. They don't deserve this money. We ought to take some of this money away from them.

If we had some landed aristocracy, or something, maybe you could make that argument. But the people who were living in those nice houses when I was growing up as a boy didn't get there by accident. Most of the people didn't inherit that money, most of them earned it. Why should they be singled out?

Under their logic, my wife's father would have been a rich person to be singled out. Both his parents were immigrants. Neither of them had any formal education. He won $25 for an essay contest when he was a senior on ''What I can do to make America a greater country.'' His essay was, the only part of America he could control was himself; the only way he could make it a greater country was making something out of himself.

He won $25 in 1932 for writing that essay. And he decided he was coming to the mainland from Hawaii and was going to become an engineer.

He took a freighter from Hawaii, got on a train, met a boy going to an engineering school, went there, went out looking for a job, went to a restaurant, and the guy at the restaurant said: You are in luck. There is a guy coming here with a machine that says it will wash dishes. If you can outwash the machine, you have the job. Joe Lee outwashed the machine.

He went on, and 3 years later he had a degree in electrical engineering.

He became the first Asian American ever to be an officer of a sugar company in the history of Hawaii.

Is he the kind of person we ought to hold up and say, He is rich?

He was president of the Rotary Club. He was president of the Little League. He was the head lay leader of his church.

Is that something in America where we single people out and say they are rich? I don't think so.

There is only one form of bigotry that is still acceptable in America, and that is bigotry against the successful. It is bigotry against the people who, through their own exertions, succeed.

I would just like to say, obviously, it is a free country. If the President and the Vice President and people in their party who constantly engage in this class warfare want to do it, they have a right to do it. But I don't think it is right. And I think they are stretching the truth to the breaking point when they claim that in repealing the marriage penalty, as we do that, we are helping rich people when in fact the President's proposal to ''eliminate the marriage penalty'' denies marriage penalty relief to people who earn $21,525 a year.

Where I am from, that is not rich. But there is nothing wrong with being rich.

Look, if we are against the marriage penalty, aren't we against it if a young lawyer and a young accountant meet and fall in love? Why should it exist for some people and not for others? Should marriage penalties be paid by people who have high incomes and not by those with low income?

Our position is very simple. The marriage penalty is wrong. It is immoral. It should be repealed, and we are going to repeal it.

I hope the President will sign this bill. If he doesn't, we are going to have an election. If people want it repealed, they will know how to vote.

I thank my colleagues for their indulgence, having listened to speeches all yesterday about the rich and how we were trying to help them by repealing the marriage penalty. Let me simply say I thought some response was needed. Let me also say I don't have any objection to people being rich. I wish we had more rich people. When our programs are in effect, we will have more rich people because they will have more opportunity. They won't be paying the death tax, and they won't be paying the marriage penalty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT AGREEMENT—S. 2323

Mr. GRAMS. Mr. President, I ask unanimous consent that with respect to S. 2323, the vote occur on passage at 2:30 p.m. today, with all other provisions of the previous consent still applicable and paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WAIVING THE MARRIAGE PENALTY

Mr. GRAMS. Mr. President, I want to take a few minutes to follow the Senator from Texas and talk about one of the most important issues we are going to be considering this week. Especially for young families, this could be one of the most important issues we are going to vote on maybe this year. That is the question of waiving the marriage tax penalty.

The Senator from Texas has done an excellent job in laying out some of the concerns, some of the questions, and some of the boundaries of how this is imposed and who is paying this tax.

Is it a fair tax? When you make a commitment to somebody to get married, should you also have to somehow make a commitment to Uncle Sam? And that commitment is to pay higher taxes. That is not fair. It would be like going into a store and buying a suit. The suit is $100. And they ask: Are you married? You say yes. They say: Well, that will be $150.

Why would we pay more? Why would we penalize someone just because they are married or if they are single?

I also want to give a lot of credit to Senator KAY BAILEY HUTCHISON, the other Senator from Texas, for all the work over these last couple of weeks—working with her and others to highlight the problems with the marriage penalty, whom it affects, and how much money it really means to those couples.

We just held a news conference outside the Capitol. Among those speaking were, of course, representatives of a number of groups that represent working families across this country that are there supporting it, along with the Senators who were there to support it; but I think most importantly there were three couples who also came to tell their story, why they thought getting rid of this marriage tax penalty was so important, how they urged Congress to pass this bill, and not only urged the Congress to pass it but urged President Clinton to sign this into law.

Their stories were about young couples with one child and expecting another and how, after they are married, they look at the tax forms and find because they are married—young families not making a lot of money—their tax this year is going to be about $1,100 more because they are married—nearly $100 in penalty every month for this young couple.

Another couple from Maryland talked about the penalty they have—well over $1,400 a year. Again, why? Because they are married.

Go to the Tax Code, to the page referring to you, and look down the lines, and if you are married, there is a penalty.

As one man said, at many weddings across the country today there is an uninvited guest. That uninvited guest is the tax man. He says: Good, you are getting married; when you fill out your tax forms this year, you will pay more to Washington in taxes.

Some in the Senate who say we don't need to repeal this marriage tax penalty. As Senator GRAMM of Texas says, some say they are rich people; they can afford to pay this tax. Don't give them this break. They are rich.

They are the ones who are advocating somehow Washington needs these dollars more than the couples.

There are over 21 million couples across the country penalized at an average of $1,400 a year just because they are married. A young couple Senator CRAIG and I will talk about, when Senator CRAIG comes back to the floor, has a story I have heard a number of times; that is, the couple planned on marrying toward the end of the year, but after filling out their taxes and comparing it to what they would pay in taxes next year because they were married, they have decided to put the wedding off at least for a couple of weeks beyond the December 31 date so as a couple they will not be penalized because they are getting married. This is a young couple who have made a decision based on economics that because Uncle Sam wants to take a bigger bite out of their wallet, they are going to have to put off their plans to get married for at least several weeks just to get around the corner.

We have heard stories of friendly divorces where people have actually decided to have a friendly divorce so they save some money. Or the story of the 78-year-old man who called his wife of over 50 years and said: Do you want a divorce? She said: What are you talking? He said: I am at the tax man's office and if we get a divorce we could save a lot of money.

They didn't do it, but it is unfair that the couple is having to pay more dollars in taxes because they are married.

There are going to be stories during this debate, as the Senator from Texas pointed out, that somehow there is a marriage bonus, many people on one side are getting this bonus because they are married; or the couple on this side who is being penalized. Somehow that is supposed to wash out and be fair and even. I don't think that is true. These families should not be overtaxed, incur a tax penalty, only because they have decided they are going to get married.

I hope, when we consider this legislation this week, we consider these millions of families across the country who are paying on average about $1,400 a year. Nearly $30 billion will be collected for Washington this year from these families. There is a belief that Washington needs this money more than the families do to raise their kids, to buy the clothes, to buy the food, to pay for the mortgage, to put away money for the education of their children. All this is so important, but Washington needs it more.

Several years ago, President Clinton was asked at a news conference if he thought the marriage tax penalty was fair. He said, no, it is not really fair, or something to that effect. But the underlying message from the President was, even if it is not fair, Washington can use this money a lot more than the families can. Washington needs these dollars more than the families need these dollars.

I hope, when we get a chance to vote on this, we remember these families struggling to make ends meet, families looking for that extra dollar they can put into a savings account for their child's education, or just maybe buying something extra, maybe putting money away for a vacation or a night out for pizza, whatever is important to them. I think $1,400 a year speaks loudly for them.

As I said, Washington might believe it needs the money more than these families. However, if we have the families on the floor of the Senate, and one by one ask them if this is an important bill, are these dollars important to your family, could these dollars help out in your budget decisions, or should we give the money to Washington and hope and pray that Washington will give a few of the dollars back? I think if we leave the dollars in the pockets of the families to begin with, they will make the best decisions and they will not have to look to Washington or ask Washington or beg Washington for a few of the dollars to help them raise their families.

I defer to my colleague from Idaho.

Mr. CRAIG. Mr. President, I will be brief. I see our colleague from Illinois on the floor. I stepped back to do this colloquy with my colleague from Minnesota.

I ask the Senator from Minnesota, hasn't the marriage penalty earned a special contempt in our eyes from a firsthand experience involving our two offices?

Mr. GRAMS. The Senator from Idaho is correct. Two young people who we care deeply about, one a dedicated employee in my office and one an employee in the office of the Senator from Idaho, are among the latest victims of this insidious provision of the Tax Code.

One of my legislative assistants is a young man from Minnesota. He worked for me in Minnesota and also here in Washington, DC, for over 5 years. He is engaged to be married to a young woman in the office of the Senator from Idaho, a native of Idaho who has worked in my colleague's office for almost 3 years.

This young couple, very much similar to other couples all around the Nation, is moved by faithful affections, shared values, common life goals to become a family. But the Federal Tax Code is saying something different to this young couple.

Mr. CRAIG. Mr. President, this couple are about the same ages as my own children. I say to everyone of my generation, they are a lot like all of our children and we want to see them succeed. They are like many young couples ready to start a new life together, as we have seen generation after generation.

They originally planned their wedding date for late this autumn this year, but then friends actually started asking them, "What about taxes?" So they did an interesting thing; they sat down and computed their marriage penalty. Guess what. They found out their combined incomes together as a married couple would cause them to have to pay out of their pockets an additional $1,400 more than they are currently paying as single people working on our two staffs.

We are talking about average earners. In fact, the marriage penalty for our young Idaho-Minnesota couple is just about exactly the average-sized marriage penalty American couples are paying across the country, about $1,400. That could be the cost of a honeymoon or a wedding gown or part of a college education, if properly saved and invested for children who might come as a result of this union.

It is critically important we deal with this issue. Yes, they have delayed their wedding only a few weeks, but I asked my friend from Minnesota, does the Federal Government have any business forcing any kind of a decision such as this on families and couples?

Mr. GRAMS. I answer the Senator from Idaho by saying it does not. Again, if there are those in the Senate who believe this is one of those rich families who can afford to pay this tax, believe me, these are not rich young people. They are a hard-working young couple but by no means rich. They will work hard and probably will get there someday but right now they are not.

It is the furthest thing from fairness. That is the Federal Tax Code. Even if this couple escapes the marriage tax penalty this year, they will still have to pay next year and the next year and the year after, for most of the rest of their lives, unless we change that, as we are trying to do this week with the legislation before the Senate.

We are not talking about abstract tax policy. We are not talking about economic theory. We are talking about average families, real families, who are hurt every year by the marriage tax penalty. In many cases, we are not talking about a delay of a wedding. We are talking about a Tax Code that says do not get married if your family may need that second income because the IRS has first claim on that income.

I asked that member of my staff why they felt they needed to postpone their wedding a few weeks. He told me it did not make any sense for him and his fiance to fork over another $1,400 to the Federal Government.

Some might think that is cheating the Government, but he didn't think so. He said they already pay too much in taxes, and they simply cannot afford to give the Government even more of what is rightfully theirs. My staff member said they can use that money for their wedding, they can use it to help take a trip, or to plan for their family's future, rather than giving it to the Federal Government at a time when the Government simply does not need it. I think he made an excellent point.

Washington is taking this money from young couples at a time when it doesn't need the money and these young couples do. I think it is not only wrong but a disgrace that Washington has the large appetite for the hard-earned money of people across America who simply want to get married, start a family, and to begin their lives together.

Mr. CRAIG. Mr. President, I do not think either my colleague from Minnesota or I could ever put romance in the Tax Code. But I hope we can stop the Tax Code from punishing folks such as the two young folks on our staffs we have talked about who are having to change their plans by postponing a wedding date by more than a month, contrary to their hearts, but because of the dictates of a heartless tax code.

Mr. GRAMS. Mr. President, I fully agree with Senator CRAIG. I ask for an additional 3 minutes.

Mr. DURBIN. Mr. President, I will not object, but I believe time is being taken from the Democratic time; is that correct? The Republicans have used all their time in morning business?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. In a spirit of fairness, I will yield because I do want to respond to some of these wonderful assertions, 3 minutes.

Mr. GRAMS. Mr. President, to wrap up, our staff's story is not uncommon. There are many young couples who are forced to make similar decisions.

The marriage penalty tax has discouraged women from marriage. It even has led some married couples to get friendly divorces. They continue to live together, but save on their taxes.

Dr. Gray Burtless of the Brookings Institution recently found that the decline in marriage may be a major reason why income inequality has increased across families. He believes that many poor unmarried workers suffer because they do not have a spouse's income to help support their family.

The Economist magazine offered a possible implication of this finding:

> Mr. Burtless's research suggests that the Clinton administration, rather than fretting about skills and trade, would do better to encourage the poor to marry and make sure their spouses work.

The family has been, and will continue to be, the bedrock of our society. Strong families make strong communities; strong communities make for a strong America. We all agree that this marriage penalty tax treats married couples unfairly. Even President Clinton agrees that the marriage penalty is unfair.

Contrary to these American values, the Federal tax code contains 66 provisions that can penalize married couples and force them to give more of their income to Washington. The Government's own study shows that 21 million American couples or 42 percent of couples incurred marriage penalties in 1996. This means 42 million individuals pay $1,400 more in tax than if they were divorced, or were living together, or simply remained single—more taxes than they should have.

This was not the intention of Congress when it created the marriage penalty tax in the 1960s by separating tax schedules for married and unmarried people.

If we do not get rid of this bad tax policy that discourages marriage, millions of married couples will be forced to pay more taxes simply for choosing to commit to a family through marriage.

The marriage penalty is most unfair to married couples who are both working, it discriminates against low-income families and is biased against working women. As more and more women go to work today, their added incomes drive their households into higher tax brackets. In fact, women who return to the work force after raising their kids face a 50-percent tax rate—not much of an incentive to work.

The good news is, Congress is working hard to provide marriage penalty relief to married couples. American couples may finally get a congressional blessing this year to eliminate the unfair marriage penalty taxes if our colleagues from the other side cooperate and join in our effort.

The marriage penalty repeal legislation which we currently debate would eliminate the marriage penalty in the standard deduction; provide broad-based marriage tax penalty relief by widening the 15-percent and 28-percent tax brackets; allow more low-income married couples to qualify for the earned income credit; and preserve the family tax credits from the bite of the alternative minimum tax which allow American families to claim full tax credits such as the $500 per child tax credit, which I authored.

Millions of American families are still struggling to make their ends meet. Repealing the marriage penalty will allow American families to keep an average of $1,400 more each year of their own money to pay for health insurance, groceries, child care, or other family necessities.

Elimination of the marriage penalty tax brings American families one step closer to the major tax relief they deserve. It is particularly important to note that this repeal will primarily benefit minority, low- and middle-class families.

Studies suggest the marriage penalty hits African-Americans and lower-income working families hardest. Repeal the penalty, and those low-income families will immediately have an 8-percent increase in their income.

It is unfair to continue the marriage penalty tax. There is no reason to delay the passage of the legislation. I urge my colleagues in the Senate pass the marriage penalty relief legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, what an interesting world we live in that a Republican Senator and a Democratic

Senator can look at a similar issue and see it in so many different ways. I sit here incredulous at times when I hear Republicans on the floor describe their view of the world. They live in a world where a young man and young woman fall in love and contemplate marriage and start to make plans for their future but stop cold in their tracks and say: Before we go a step further, we better go see an accountant.

I can barely remember my courtship with my wife. It was a long time ago. But it never crossed my mind to go see a bookkeeper or accountant before I decided to propose marriage. We thought there was something more to it. We knew there would be good times and bad, and we were prepared to make whatever sacrifice it took to live a life together. When I listen to my Republican colleagues, it sounds as if they want to change the marriage vows from ''love, honor and obey, in sickness and in health'' to ''love, honor and obey, in sickness and in health, so long as there is no income tax disadvantage.''

I do not think that is the real world of real people. Nor do I think we can amend the Tax Code in a way that is going to create a great incentive for people to run out and get married. I think there are more basic human emotions at stake. I think it trivializes a very sacred decision by two people making an important decision in their lives to suggest this is all about money and it is all about how many tax dollars you have to pay.

I will readily concede there is unfairness in the Tax Code. Yes, I will concede it is fundamentally unfair for us to increase the taxes on two people because they are being married. But if you would listen to the Republican logic, they grab this hook and take off and run out of town with it.

Their proposal on the marriage tax penalty is so far afield from the argument you have heard on the floor, you just cannot recognize it. In fact, let's describe the situation. If two people are about to be married and their combined income, when they file a joint return, puts them in a higher tax bracket, that is called a marriage tax penalty. However, if two people are married and their combined income puts them in a lower tax bracket, some would call that a marriage bonus. How does that happen? Perhaps one person in the marriage is not working and the other one is; the combined income on a joint return merits a lower tax rate. If both of them are working, their combined income raises them to a higher tax rate, a penalty.

We, on the Democratic side, believe we should eliminate the penalty, eliminate the unfairness, eliminate the discrimination against married people under the Tax Code. You would think from their arguments on the floor that is where the Republicans are. But that is not what their bill says, not at all. In fact, when you look closely at their bill, you find two amazing things: First, on the whole question of the marriage tax penalty, there are about 65 provisions in the Tax Code that could be associated with a marriage tax penalty. The Republicans, who have given speeches all morning about the marriage tax penalty, address how many of the 65 provisions? In the most generous definition: three, leaving some 62 discriminations in the Tax Code against married people untouched in the Republican bill.

The Democratic alternative addresses all 65.

So after all these pronouncements about ending Tax Code discrimination, the Republican bill falls flat on its face when it comes to addressing the 65 different provisions in the Tax Code that apply. The Democratic bill applies it to all 65.

The second thing that strikes you right off the bat is that the Republican bill goes further than eliminating the marriage tax penalty. It, in fact, creates an additional tax bonus for those not suffering the penalty. We are not talking about couples who are calculating how many days they have to wait to avoid paying taxes before they decide to get married. We are talking about couples who really benefit from marriage, and their taxes go down—the Republicans add more tax cuts for them.

Everybody loves a tax cut. If we could give a tax cut to every American, that would be the dream of every politician. But the voting public in America, the people watching this debate, have the right to step back and say: How many of these tax cuts can we afford, as a nation, to give away? I think that is a legitimate point. The Finance Committee in the Senate writes the tax laws, the committee that sent us this bill that is pending. If you look at the minority views, from the Democratic side, you find many Democratic Members believe the best thing we can do with our surplus is to pay down the Federal debt. That is my position. That is the position of the President and most Democrats. Why is that important? Because today in America we will collect $1 billion in taxes from individuals, families, and businesses, and that money will be used not to educate a child, to pay a soldier, or to build a highway; it will be used to pay interest on old debt of the United States.

If we do not change that, it means my grandchild, who is now about 4 years old, will continue to pay taxes, to pay interest on debt incurred by my generation to build our roads and educate our kids.

Some of us think the fairest thing we can do for future generations is to reduce the public debt with our surplus so that perhaps that $1 billion tax bill each day will be reduced for future generations. Relieving this burden is a good gift to give our children and grandchildren.

If one listens to the other side of the aisle, they do not want to take the surplus and pay down the debt. They want to dream up more and more tax cuts. The George W. Bush tax cut is so big, so massive, and so risky that last week not a single Republican would vote for it on the Senate floor when I called for a vote.

He wants to spend—I hope I get these figures right—$1.3 trillion. I believe it was $400 billion or $500 billion more than the surplus. He obviously wants to reach deep into the Social Security trust funds to pay for his tax cuts or to cut spending on basic services for education, protection of the environment, and defense. Not a single Republican would stand up for that, and I am glad they did not. Most Americans know better.

The Senate Republicans now have a George W. Bush tax cut; they want to come in and keep hacking away at the surplus instead of putting it to reducing the national debt, which on the Democratic side we consider to be the highest priority.

The expected 10-year budget surplus, according to the Finance Committee, is $893 billion. It is amazing that in a short period of time, we can talk about those surpluses.

If this bill passes, the Republicans will have already spent over half that in this session on tax cuts. Instead of lowering the national debt, reducing the tax burden on future generations, preserving Social Security and Medicare, they would have us continue on with tax cuts.

Take a close look at the Republican marriage tax penalty bill. First, the tax cuts they offer are piecemeal rather than comprehensive. They are not fiscally responsible because we are not putting money away for reducing the national debt. More than half the taxpayer benefits in their bill go to people already receiving a tax bonus. These are not people discriminated against; these are people doing well under the Tax Code, and they want to give them an additional tax cut.

They do not eliminate the marriage penalty, some 65 provisions; at best, they only address 3. Here is the kicker about which they do not want to talk. They have drawn their bill up in a way so that 5 million Americans will actually pay higher taxes. Their intent was to reduce the tax burden for married people. They went further than they had to. On the bottom, the last page, take a look around the corner. Five million Americans end up paying higher taxes under the alternative minimum tax.

Isn't that something? Take a look at this on a pie chart to get an idea, from the Republican plan, how much is being spent on the actual marriage tax penalty relief: 40 percent. Of the amount of money they have put on the table—$248 billion roughly over 10 years in tax cuts—40 percent of it goes to marriage penalty relief; 60 percent goes to people already receiving a bonus under the Tax Code for being married; and, of course, they raise taxes on 5 million Americans by increasing the alternative minimum tax.

On the Democratic side, we think there is a better alternative. In the Finance Committee proposal, the one that will be before us, married couples will be allowed to file separately or jointly, whatever benefits them from a tax point of view. We fully eliminate all marriage penalties in the Tax Code —all of the 65 provisions. It is fiscally responsible. The price tag is about $150 billion over 10 years, a little over half of what the Republican proposal costs. It does not expand marriage bonuses, and it does not exacerbate the singles penalty.

Why do we want to reduce this idea of tax cuts? First, we think we should be reducing the national debt, paying it down, which is good for the economy, as Chairman Alan Greenspan of the Federal Reserve tells us. In so doing, we strengthen Social Security; most Americans agree that is a pretty high priority for all families, married or not.

We also believe strengthening Medicare, which is something the Republicans never want to talk about, is good for the future of this country, for the elderly and disabled. It is an absolute lifeline. We believe if we are careful and target tax cuts, there are some things we can achieve which are good for this Nation.

One is a proposal which, in my State of Illinois, is very popular, which is the idea of the deductibility of college education expenses up to $10,000. It means if parents are helping their son or daughter through college and pay $10,000 of the tuition bill, they can deduct it, which means a $2,800 benefit to the family paying college expenses. That is going to help a lot of families in my home State. I certainly think that makes more sense than the Republican approach in the marriage tax penalty bill which provides a bonus to people already receiving the tax bonus.

The other item we think should be the prime focus when we talk about targeting tax benefits relates to the prescription drug benefit which has been talked about for years on Capitol Hill. The Medicare plan, conceived by President Lyndon Johnson and passed in the early sixties, was a health insurance plan for the elderly and disabled which made a significant difference in America. Seniors live longer; they are healthier; they have better and more independent lives. I have seen it in my family; most have seen it in theirs. We want it to continue.

There is a noted gap in that Medicare policy, and that noted gap is prescription drug coverage. Virtually every health insurance policy in America now covers prescription drugs but not Medicare. The Republicans have come in with all sorts of ideas for tax cuts, but they cannot come up with the money to pay for a prescription drug benefit under Medicare.

We on the Democratic side think this should be the first priority, not the last. In fact, we put a provision in our budget resolution, with a contentious vote, I might add, to raise that to $40 billion to pay for it. It has already been cut in half in the budget conference committee. There is no will on the Republican side for a prescription drug benefit.

They want to talk about a marriage penalty benefit for those who are not suffering a penalty. We want to talk about a prescription drug benefit for the elderly and disabled who are penalized every day when they cannot afford to pay for their prescriptions.

Perhaps my friends on the other side of the aisle do not understand the depth of this problem. We have seniors in some States who are literally getting on buses and riding to Canada to buy prescription drugs because they cost half as much in Canada as they do in border States such as North Dakota, Minnesota, and Montana. They understand this. They want us to do something about it, but the first tax cut bill that comes before us since we passed our budget resolution is not about prescription drugs, it is about a marriage penalty bonus for people who are not facing a marriage penalty.

I will tell you how bad this drug crisis is for seniors. Their coverage is going down. About a third of seniors have great coverage on prescription drugs, a third mediocre, and a third none at all. At the same time, the cost of these drugs is going up. There was a time when drug prices went up once a year. Then the drug companies realized they could hike their prices twice a year, then once a month, and then every other week. If my colleagues talk with pharmacists or doctors or seniors themselves, they will tell you exactly what I am talking about: Prescription drug costs are going up; coverage is going down.

Take a look at the type of bills seniors are facing. Prescription drugs are a burden on moderate income beneficiaries: typical drug costs versus income. For a patient with heart trouble and osteoporosis, typical drugs cost $2,400, 20 percent of pretax income—20 percent if they are living at 150 percent of poverty. That is an income of about $12,000 a year.

High blood pressure—one can see the percentages go up: 20 percent, 26 percent; arthritis and osteoporosis, 31 percent; high blood pressure, heart disease, 40 percent. Heart disease and severe anemia, more than a person's income.

In the city of Chicago, we had a hearing on prescription drug benefits. Some of the stories that were told were memorable. I can recall several organ recipients, transplant recipients, who came to us facing monthly prescription bills of $1,000 or $2,000. These people, on a fixed income, could not handle it. Medicare only covered it for 3 years. They knew what the cost of prescription drugs meant because for them it was a matter of life or death. Without their drugs, after transplant surgery, they could not survive.

There were some who were not in a serious condition but they could tell me about $200, $400, and $500 a month in prescription drug costs. Many times, seniors then make a choice: Will they take the medicine or not? Will they take half the prescription or the full prescription? Will they choose between food or medicine? That is a real world choice.

We on the Democratic side think a prescription drug benefit should be the first priority out of the box. We believe we can pass marriage penalty relief that addresses the problem, solves it for the vast majority of couples affected by it, and leaves enough money for a prescription drug benefit. That is our alternative to the Republican proposal.

The Republicans want it all to be on the side of marriage tax penalty relief and marriage bonus. We think prescription drug benefits should be part of it. That will be the choice on the floor for Democrats and Republicans.

Let's hear your priorities, whether or not you think a prescription drug benefit should be a high priority. We certainly do.

Look at how drug costs are growing each year. I mentioned earlier, they go up almost on a weekly basis: 9.7 percent in 1995; continuing to grow to 16 percent in 1999.

Of course, drug companies are in business to make a profit. They need to make a profit for research to find new drugs. That is a given. I accept that. A company such as Schering-Plough, that sells Claritin, that spends a third of its revenue on advertising—how many times have you seen the Claritin ads on television, in magazines, in newspapers?—Spends only 11 percent of their revenue on research. We realize the costs are going up for the advertising more than for the research.

We believe that as these costs continue to rise, seniors will continue to be disadvantaged. As I have mentioned, seniors —most of them—are on a fixed income and really have nowhere to turn to pay for these drugs.

Mr. President, 57 percent of seniors make under $15,000 a year; 21 percent make above that but under $25,000. You get to the categories of seniors who make over $25,000, and that is about one out of five seniors; four out of five make less. So as the prescription drug costs go up, their ability to pay is being stretched.

We think this prescription drug benefit then will have a great advantage for seniors. It will give them some peace of mind. The doctors who prescribe these drugs will understand that their patients will be able to afford them and take them.

What is the alternative? If an elderly person goes to see a doctor, and the doctor prescribes a drug, and the elderly person goes to the pharmacy and finds out they cannot afford the drug, and they then do not take the drug, and they get sick enough to go to the hospital, who pays for the hospitalization under Medicare? Raise your hands, taxpayers. We all do.

When someone gets sick and goes to the hospital, under Medicare, taxpayers pay for it. Yet we do not pay for the prescription drugs to keep people well and out of the hospital. That does not make any sense. It does not make sense medically. No doctor, no senior, would believe that is the best way to deal with this.

So we are talking about changing this system for the prevention of illness and disease, for the prevention of hospital stays, and for reductions in the costs to the Medicare program. It is a real cost savings.

It isn't just enough, as I have shown from these charts, for us to provide the benefit for seniors so they can pay for prescription drugs. We have to deal with the whole question of pricing, the cost of these drugs.

How will we keep these costs under control? People in my part of the world, probably all across the United States, get a little nervous when you talk about the Government being involved in pricing. They say: I am not quite sure the Government should be doing that.

They have a right to be skeptical. But let's step back and take an honest look at this. Is there price fixing now when it comes to the cost of drugs? Yes.

Insurance companies contact drug companies and say: If you want the doctors under our insurance policy to prescribe your drugs, we will pay you no more than the following cost. That is a fact of life. The bargaining is going on.

If these same drug companies take their drugs up to Canada to sell them, the Canadian Government says: You cannot sell them in Canada unless we can establish the ceiling for your prices.

That is why the same prescription drugs—made by American companies, in American laboratories, by American technicians, approved by the Food and Drug Administration of the United States of America—when they cross that border, in a matter of minutes, they become a Canadian product sold at half the cost. That is why American seniors get on buses and go up there, to buy those drugs at half the cost.

The Canadians speak out when it comes to the price of drugs, as do the Mexicans and the Europeans and every other industrialized country in the world.

Oh, the Veterans' Administration here in the United States bargains for drugs, too. We want to get the best deal for our veterans. We tell the pharmaceutical companies: This is the maximum we will pay. They sell it to us.

The only group that does not have bargaining power is the seniors and disabled under Medicare. They are the ones who pay top dollar for the drugs in America. Is that fair? Is it fair that the people of moderate income, of limited resources, are the ones who pay the highest price?

That is why we on the Democratic side believe a prescription drug benefit should be the first tax cut that we consider, if you want to call it that, because it affects a program such as Medicare.

But on the Republican side, no, it isn't a high priority. It isn't in this bill. There is no money set aside for it. There isn't a sufficient amount of money set aside for it in the budget resolution presently in conference.

That is the difference. It is a significant difference.

If you take a look at the prescription drug coverage by income level, here is what you find. Those who are below the poverty level, 35 percent of them have no prescription drug coverage. For those barely at poverty and above, it is 44 percent. You will see that as you make more and more money, you have more and more likelihood that you will have drug coverage.

The lower income Americans, the lower income seniors, and the disabled are the ones who do not have prescription drugs protection.

We think the prescription drug benefit should really hit several principles. Any plan that does not is a phony plan. The plan should cover all. There should be universal coverage. Do not pick and choose. Every American should be allowed to be covered under this plan. No. 2, it should have basic and catastrophic coverage. No. 3, it should be affordable.

We think if you put these together, you can come up with a prescription drug benefit the President has asked for, which the Democrats in Congress support, and which the Republican bill before us does not even consider.

We will come back with an alternative, a Democratic substitute, to give this Chamber a choice. You can take the Republican approach and give tax cuts to those who do not need them or you can take the Democratic approach and eliminate the marriage tax penalty for the vast majority of young people who want to be married—all 65 provisions in the Tax Code—and have enough money remaining to deal with a valid prescription drug benefit.

The difference is this. We buy the premise of what the President said in his State of the Union Address, that we happen to be living in good times but we should be careful about our future. If we are going to have surpluses, let us invest them in things that count. Let us pay down the national debt. Let us strengthen Social Security. Let us strengthen Medicare and target the tax cuts where they are needed the most.

Some of the Republicans are running around Capitol Hill like folks with hot credit cards. They cannot wait to come up with a new tax cut—needed or not needed. We think we have to be more careful. If we are more careful, if we show some fiscal discipline, we can not only avoid the deficits of the past, heaping them on the national debt, but we can be prepared for any downturn in this economy as well. I think that is fiscally conservative—a term Democrats aren't usually allowed to use but certainly applies in this situation—and it is fiscally prudent. It is the way a family deals with its situation. Before you run out and pay for that big vacation, you might think about paying off some of the credit card debt. I think a lot of families think that way. The Republican leadership in the Senate does not.

Instead of paying down the debt of this country, they want to give away the tax revenues in a surplus, give it back to the people. They can give it back, but still we will collect $1 billion a day in interest on old debt.

The provision we will be bringing before the Senate during the course of this debate will offer those who are truly fiscally conservative on both sides of the aisle a viable option. We are going to address all 65 provisions in the Tax Code that have a marriage tax penalty effect. The Republican bill goes after the standard deduction and partially addresses two others: Rate brackets and earned-income tax credits.

Among the 62 provisions the Republican bill does not address on the marriage tax penalty but the Democratic optional, single-filing alternative does are adoption expenses. Doesn't that make sense, that we wouldn't want to discriminate against couples who may want to adopt?

Child tax credits, think about that for a second. A couple wants to get married. They may have some children. We want to give them the child care tax credit. The Republican bill doesn't protect them against the discrimination that might be part of it.

Taxation of Social Security benefits, savings bonds for education, none of these is covered by the Republican bill; IRA deductions, student loan interest deductions, elderly credits—the list goes on.

After their pronouncements and speeches about what a serious problem this is, their bill really comes up short. It doesn't address the basic problem. It provides tax cuts that are not asked for or needed. It shortchanges the opportunity to put money into a prescription drug benefit.

We think it is far better to take an approach which is fiscally prudent, conservative, sensible, and straightforward.

We also believe that during the course of this session we will be considering other targeted tax benefits. We can only have limited amounts and still bring down this national debt, so let's spend the money where it will be the most effective: A prescription drug benefit, No. 1; the deductibility of college education expenses, No. 2. If you send a son or daughter to college, you will have a helping hand from the Tax Code to pay for those growing expenses.

A third, which the President has proposed and which I think makes sense, is a long-term care credit. How many people have parents and grandparents who are growing older and need additional care? We know it is expensive. Because of that additional expense, we want to provide a tax credit to help defray some of those costs. Those are very real and serious family challenges.

As much has been said on the floor about the marriage penalty and the reverence for families, which I agree is the backbone of this country, let's take a look at families in a little different context, not just on wedding day but when those families are raising their children and sending them to college, when those families are caring about their parents and grandparents who meant so much to them. Our targeted tax cuts go after all of those elements because, on the Republican side, they heap tax cuts on those who, frankly, do not need them, those who are not facing a marriage penalty. They cannot have enough money left to pay down our debt and have the resources for a targeted tax cut along the lines I have suggested.

I see my colleague from Wisconsin has come to the floor. I know my time is limited. I ask the Chair how much time I have remaining.

The PRESIDING OFFICER (Mr. GRAMS). The Senator has 16 minutes remaining.

Mr. DURBIN. I thank the Chair and yield the floor to my colleague from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, one thing observers of the Senate are not likely to see today is anyone defending the marriage penalty. The tax code should not discourage the act of getting married, and it should not encourage divorce.

There is widespread agreement that Congress should pass marriage penalty relief. The President's budget included a proposal to address the marriage penalty. And last week, the Senate voted 99–1 in favor of sense of the Senate language calling on us to ''pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001.''

The marriage penalty is particularly burdensome for lower-income couples—and many young couples don't have much to spare. For some of these couples, the amount of their taxes could actually affect their decision whether or not to marry. Luckily, in the vast majority of cases, in the words of a recent law review article, love triumphs over money.

But in this debate that the majority has scheduled for the week before the April 15 tax deadline, one can be forgiven for harboring the suspicion that more than marriage penalty relief is involved.

For one thing, on this subject on which there is a broad consensus, the majority appears unwilling to work out a compromise with the President or with Democrats. Rather, the majority seems driven more to create election-year campaign talking points than real tax relief.

For another thing, on this bill, for the third time this year already, the majority seems willing to plow ahead on major tax cut legislation before even adopting its own fiscal plan in the form of a budget resolution. To recount, in early February, the Senate passed a $103 billion tax cut as part of the bankruptcy bill. Then, in early March, the Senate passed another $21 billion tax cut for education savings accounts. And now in April, the Senate is considering another $248 billion in tax cuts labeled as marriage penalty relief. So the majority this year has already moved $372 billion in tax cuts—at an average rate of $124 billion a month—before it has even adopted its budget resolution.

And you need to add to that the approximately $80 billion in debt services that tax cuts of such a size would require. That yields roughly $450 billion of the surplus that this Senate will have spent in just three months—an average of $150 billion a month. And that doesn't even count the health tax cut provisions that we can expect in the Patients Bill of Rights bill. And that also doesn't count the other multi-billion-dollar reconciliation tax cut that the budget resolution calls for no later than September 22.

Some said that the majority brought up the amendment to the Constitution to prevent flag burning when they did because the American Legion was having a convention that week. Now, it seems that they are bringing up the marriage penalty because tax day is coming. What the majority chooses to call up seem more driven by the calendar than by legislative sense.

Moving so many tax bills so early in the year raises another suspicion as well—that if we waited, we would find that there is not enough money to do everything that the majority wants.

The Senate's consideration of a tax cut this size is also premature because the majority continues to push tax cuts before doing anything to extend the life of Social Security, before doing anything to extend the life of Medicare, or before doing anything to make prescription drugs available to seniors who need them.

Yes, Social Security is projected to run cash surpluses on the order of $100 billion a year for the next decade, but beginning in 2015, it is projected to pay out more in benefits than it takes in in payroll taxes. Medicare Hospital Insurance benefit payments will exceed payroll tax revenues as early as 2007.

The tax cuts that the Senate has passed and that we debate today would phase in so that their full impact would come just as the Nation begins to need surpluses in the non-Social Security budget to help address these Social Security and Medicare commitments.

In 2010, the marriage penalty bill before us today alone will cost $40 billion a year. Rather than pay down our debt to free up resources for our coming needs, these tax cuts would add to our future obligations. To commit resources of this magnitude without addressing the long-term solvency of Social Security and Medicare is simply irresponsible.

The size of the tax cut before us today flows in large part from its scatter-shot approach. According to the Center on Budget and Policy Priorities, it delivers a comparable amount of benefits to those who enjoy marriage bonuses as to those who suffer from marriage penalties. And according to Citizens for Tax Justice, more than two-thirds of this tax bill's benefits would go to the fewer than one-third of couples with incomes of more than $75,000. Are tax cuts for the well-off really our most pressing national need? A more targeted approach could save money and leave us better prepared to address our coming fiscal commitments.

Our economy is strong and has benefitted from sound fiscal policy. Monday's papers reported that unemployment has remained below 4½ percent for fully two years now. The Nation continues to enjoy the longest economic expansion in its history. And home ownership is at its highest rate on record.

We have this strong economy in no small part because of the responsible fiscal policy we have had since 1993. That responsible policy has meant that the government has borrowed less from the public than it otherwise would have, and indeed is projected to have paid down nearly $300 billion in publicly-held debt by October. No longer does the government crowd out private borrowers from the credit market. No longer does the government bid up the price of borrowing—interest rates—to finance its huge debt. Our fiscal policy has thus allowed interest rates to remain lower than they otherwise would be, and businesses large and small have found it easier to invest and spur new growth.

Passing large tax cuts like the one before us today without addressing the long-run needs of Social Security and Medicare risks returning to the budgets of 1992, when the government ran a unified budget deficit of $290 billion and a non-Social Security deficit of $340 billion. It risks returning to the Congressional Budget Office's 1993 projection of a unified budget deficit that would climb to $513 billion in 2001, instead of the unified budget surplus of $181 billion and non-Social Security surplus of $15 billion that we now enjoy.

Any young couple would be well-advised to do a little financial planning before entering into a marriage. We can ask the Senate to do no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I know there will be a lot of time for debate later today and tomorrow, and perhaps in the future, on the so-called marriage penalty. I want to respond to two points that several of our Republican colleagues have made with respect to the Finance Committee bill, the majority bill.

The first claim is that the Finance Committee bill, the majority bill, eliminates the marriage penalty. Not true. It does reduce the marriage penalty for some people, to some extent, but it does not eliminate the marriage penalty.

Why do I say that? Well, first, let me show you this chart. This chart basically shows, in the main, that there are 65 provisions in the Tax Code that create a marriage tax penalty; 65 different provisions in the code create the so-called marriage tax penalty, the inequity that married people pay. The Republican bill, the Finance Committee bill, addresses some of them. How many? Out of the total of 65, how many do you suppose the Finance Committee addresses? A grand total of three. So 62 of the provisions in the Internal Revenue Code that cause a marriage tax penalty are not addressed by the Finance Committee bill.

Let me give you an example. One is the deduction for interest on student loans. The phaseout for this begins at $40,000 for unmarried individuals and about $60,000 for joint return filers. So if two young people each earn $35,000 and they marry, they get hit harder by the phaseout. In other words, they pay a marriage tax penalty. It is not covered by the Finance Committee bill. It is covered by the alternative to be offered by Senator MOYNIHAN.

Another example in the Finance Committee bill is not covered. A marriage tax penalty that is not taken care of is Social Security for seniors. The tax threshold for Social Security for seniors is $25,000 for individuals and $32,000 for couples. Again, a marriage tax penalty. What does the Republican bill, the Finance Committee bill, do about these provisions? Nothing. They are not among the three penalties the Republican bill addresses. The Democratic proposal, in contrast, addresses all 65 marriage tax penalty provisions—all of them. Not 3, not 4, not 5, but all of them, all 65.

So, again, the Finance Committee bill does not eliminate the marriage tax penalty. The Democratic alternative does.

There is a second point made on the floor today that I would like to address. About half of the relief in the Finance Committee bill goes to people who don't pay a marriage tax penalty today. They get a so-called bonus, or they get neither a penalty nor a bonus. That is this chart. This chart shows that less than half of the relief in the majority bill goes to the marriage tax penalty; that is, more than half goes to people who don't have a marriage tax penalty, who are already in a bonus situation.

Some argue, well, gee, we should not penalize couples, such as those with a stay-at-home spouse, by denying them the same tax cut we provide to couples who face a marriage tax penalty. Frankly, that is a red herring, as lawyers say. That is totally beside the point. Obviously, we have nothing against people who receive a tax bonus. Nobody wants to penalize them. But let's be honest. If we are providing half the relief to people who don't pay a marriage tax penalty, it is simply not a marriage tax penalty bill anymore; it is a tax cut bill, and we should evaluate the bill on that basis.

Let's talk about singles, for example. The marriage tax penalty relief bill that we are talking about is going to proportionally put more burden on individuals, single taxpayers, on widows who are not heads of households, widowers. They are going to be hit indirectly because of the action that will probably be taken at a later date on this floor. In the main, this is not a marriage tax penalty bill out of the Finance Committee; it is primarily a tax cut bill.

That kind of tax cut compared with other priorities may or may not make sense. What about prescription drugs, long-term care, retirement security? I don't think we have addressed those issues enough on this floor; that is, trying to determine what our priorities should be, given the limited number of dollars we have in the budget surplus.

Another thing. Viewed as a tax cut, the majority bill is completely arbitrary. There is no particular rhyme or reason to it. If you are married and pay a marriage tax penalty, you get a tax cut. If you are married and pay no marriage tax penalty, you get a tax cut. That is what the Finance Committee bill does, in the main. If you are married and get a tax bonus, you still get a tax cut. That is what the committee bill does.

If you are single, you get no tax cut. In fact, the disparity between married and single taxpayers widens to where it was before 1969.

Think about this for a moment. If you are married, have no children, you are receiving the so-called marriage bonus, you get a tax cut. If, on the other hand, you are a single mom and you have three kids, you get zero tax cut. Is that what we want to do?

So the Finance Committee bill doesn't eliminate the marriage penalty. It simply does not. Sixty-two of the marriage penalties in the code are not addressed by the Finance Committee bill. Only three are.

There are many others I have not mentioned which are very big and have a very big effect.

In addition, the majority committee bill provides a large tax cut unrelated to the marriage tax penalty. It is a large tax cut which has nothing to do with the marriage tax penalty.

I am saying briefly, because my time is about to expire, that there are some major flaws in the majority bill. I have only touched on a couple of them. There are many more which will be brought out later in the debate.

I urge my colleagues, people around the country watching this on C-SPAN, other offices, and the press to take a good look at the majority bill because there are some real problems with it. I hope we can straighten them out and fix them very soon.

I yield the floor.

WORKER ECONOMIC OPPORTUNITY ACT

The PRESIDING OFFICER. The clerk will report S. 2323 by title.

The bill clerk read as follows:

A bill (S. 2323) to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

The Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Kentucky, Mr. MCCONNELL, is recognized.

Mr. McCONNELL. Mr. President, I want to speak on behalf of the pending measure, the Worker Economic Opportunity Act, which the Senate will pass shortly.

This bipartisan bill will ensure that American workers can receive lucrative stock options from their employers—once considered the exclusive perk of corporate executives.

Senator DODD and I have worked closely with Senators JEFFORDS and ENZI, ABRAHAM, BENNETT, and LIEBERMAN, the Department of Labor, and others to develop this critical bill.

We have the support of groups representing business and workers, as well as Secretary Alexis Herman. In short, everybody wins with this proposal.

All over the country today, forward-thinking employers are offering new financial opportunities—such as stock options—to hourly employees.

Unfortunately, it appears that our 1930's vintage labor laws might not allow the normal workers of the 21st century to reap these benefits.

When we realized this, we decided to fix this problem. It would be a travesty for us to let old laws steal this chance for the average employee to share in his or her company's economic growth.

The Workers Economic Opportunity Act is really very simple. It says that it makes no difference if you work in the corporate boardroom or on the factory floor—everyone should be able to share in the success of the company.

In sum, the bill would amend the Fair Labor Standards Act to ensure that employer-provided stock option programs are allowed, just like employee bonuses already are.

Also, this legislation includes a broad "safe harbor" that specifies that employers have no liability because of any stock options or similar programs that they have given to employees in the past.

I hope that this bill will be the first of many commonsense efforts to drag old labor and employment laws into the new millennium.

Mr. President, we need to pass this law. The Federal Reserve Board of Governors recently estimated that 17 percent of firms have introduced stock option programs.

They went on to say that over the last two years, 37 percent of these employers have broadened eligibility for their stock option programs—allowing even more American workers to share in their employers' prosperity.

The Employment Policy Foundation estimates between 9.4 million and 25.8 million workers receive benefits through some type of equity participation program.

This trend is growing, and given the current state of the economy, it is likely to continue to grow.

However, we have one last thing we have to do to make sure that American workers can have this incredible opportunity—we have to pass this bill.

Without it, our "New Deal" labor laws will strangle the benefits our "New Economy" offers to American workers.

Mr. President, I ask unanimous consent that a letter of support from the United States Chamber of Commerce be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, April 7, 2000.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I am writing to express the support of the United States Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, for S. 2323, the Worker Economic Opportunity Act.

Last year the U.S. Department of Labor issued an advisory letter stating that companies providing stock options to their employees must include the value of those options in the base rate of pay for hourly workers. Employers must then recalculate overtime pay over the period of time between the granting and exercise of the options. This costly and administratively complex process will cause many employers to refrain from offering stock options and similar employee equity programs to their nonexempt workers.

Clearly, the Fair Labor Standards Act needs to be modernized to reflect the fact that many of today's hourly workers receive stock options. For this reason, the Chamber strongly supports S. 2323, which would exempt stock options, stock appreciation rights, and employee stock purchase plan programs from the regular rate of pay for nonexempt workers. This carefully crafted legislation will provide certainty to employers who want to increase employee ownership and equity building by offering stock options and similar programs to their hourly workers. We commend you for negotiating a bill that is broadly supported and look forward to working with you to ensure its passage as soon as possible in this legislative session.

Again, thank you for your leadership in introducing S. 2323, legislation that is important to millions of American workers and employers.

Sincerely,

R. BRUCE JOSTEN.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the sponsors' statement of legislative intent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF LEGISLATIVE INTENT BY THE SPONSORS OF S. 2323, THE WORKER ECONOMIC OPPORTUNITY ACT

I. INTRODUCTION AND PURPOSE

The purpose of S. 2323, the Worker Economic Opportunity Act, is to allow employees who are eligible for overtime pay to continue to share in workplace benefits that involve their employer's stock or similar equity-based benefits. More working Americans are receiving stock options or opportunities to purchase stock than ever before. The Worker Economic Opportunity Act updates the Fair Labor Standards Act to ensure that rank-and-file employees and management can share in their employer's economic well being in the same manner.

Employers have provided stock and equity-based benefits to upper level management for decades. However, it is only recently that employers have begun to offer these programs in a broad-based manner to non-exempt employees. Historically, most employees had little contact with employer-provided equity devices outside of a 401(k) plan. But today, many employers, from a broad cross-section of industry, have begun offering their employees opportunities to purchase employer stock at a modest discount, or have provided stock options to rank and file employees; and they have even provided outright grants of stock under certain circumstances.

The Federal Reserve Board of Governors recently estimated that 17 percent of large firms have introduced a stock options program and 37 percent have broadened eligibility for their stock option programs in the last two years.[1] The Employment Policy Foundation estimates between 9.4 million and 25.8 million workers receive benefits through some type of equity participation program.[2] The trend is growing, and given the current state of the economy, it is likely to continue.

The tremendous success of our economy over the last several years has been largely attributed to the high technology sector. One of the things that our technology companies have succeeded at is creating an atmosphere in which all employees share the same goal: the success of the company. By vesting all employees in the success of the business, stock options and other equity devices have become an important tool to create businesses with unparalleled productivity. The Worker Economic Opportunity Act will encourage more employers to provide opportunities for equity participation to their employees, further expanding the benefits that inure from equity participation.

II. BACKGROUND AND NEED FOR LEGISLATION

A. Background on stock options and related devices

Employers use a variety of equity devices to share the benefits of equity ownership with their employees. As the employer's stock appreciates, these devices provide a tool to attract and retain employees, an increasingly difficult task during a time of record economic growth and low unemployment in the United States. These programs also foster a broader sense of commitment to a common goal—the maintenance and improvement of the company's performance—among all employees nationally and even internationally, and thus provide an alignment between the interests of employees with the interests of the company and its shareholders. They can also reinforce the evolving employer-employee relationship, with employees viewed as stakeholders.

Employer stock option and stock programs come in all different types and formats. The Worker Economic Opportunity Act focuses on the most common types: stock option, stock appreciation right, and employee stock purchase programs.

Stock Option Programs.—Stock options provide the right to purchase the employer's securities for a fixed period of time. Stock option programs vary greatly by employer. However, two main types exist: nonqualified and qualified option programs.[3] Most programs are nonqualified stock option programs, meaning that the structure of the program does not protect the employee from being taxed at the time of exercise. However, the mechanics of stock option programs are very similar regardless of whether they are nonqualified or qualified. Some of these characteristics are described below.

Grants. An employer grants to employees a certain number of options to purchase shares of the employer's stock. The exercise price may be around the fair market value of the stock at the time of the grant, or it may be discounted below fair market value to provide the employee an incentive to participate in the option program.

Vesting. Most stock option programs have some sort of requirement to wait some period after the grant to benefit from the options, often called a vesting period. After the period, employees typically may exercise their options by exchanging the options for stock at the exercise price at any time before the option expires, which is typically up to ten years. In some cases, options may vest on a schedule, for example, with a third of the options vesting each year over a three-year period. In addition to vesting on a date certain, some options may vest if the company hits a certain goal, such as reaching a certain stock price for a certain number of days. Some programs also provide for accelerated or automatic vesting in certain circumstances such as when an employee retires or dies before the vesting period has run, where there is change in corporate control or when an employee's employment is terminated.

Exercise. Under both qualified and nonqualified stock option programs, an employee can exchange the options, along with sufficient cash to pay the exercise price of the options, for shares of stock. Because many rank-and-file employees cannot afford to pay the cost of buying the stock at the option price in cash, many employers have given their employees the opportunity for "cashless" exercise, either for cash or for stock, under nonqualified option plans. In a cashless exercise for cash, an employee gives options to a broker or program administrator, this party momentarily "lends" the employee the money to purchase the requisite number of shares at the grant price, and then immediately sells the shares. The employee receives the difference between the market price and the exercise price of the stock (the profit), less transaction fees. In a cashless exercise for stock, enough shares are sold to cover the cost of buying the

Footnotes at end of article.

shares the employee will retain. In either case, the employee is spared from having to provide the initial cash to purchase the stock at the option price.

An employee's options usually expire at the end of the option period. An employee may forfeit the right to exercise the options, in whole or in part, under certain circumstances, including upon separation from the employer. However, some programs allow the employee to exercise the options (sometimes for a limited period of time) after they leave employment with the employer.

Stock Appreciation Rights.—Stock appreciation rights (SARs) operate similarly to stock options. They are the rights to receive the cash value of the appreciation on an underlying stock or equity based security. The stock may be publicly traded, privately held, or may be based on valued, but unregistered, stock or stock equivalent. The rights are issued at a fixed price for a fixed period of time and can be issued at a discount, carry a vesting period, and are exercisable over a period of time. SARs are often used when an employer cannot issue stock because the stock is listed on a foreign exchange, or regulatory or financial barriers make stock grants impracticable.

Employee Stock Purchase Plans.—Employee stock purchase plans (ESPPs) give employees the opportunity to purchase employer stock, usually at up to a 15 percent discount, by either regularly or periodically paying the employer directly or by having after-tax money withdrawn as a payroll deduction. Like option programs, ESPPs can be qualified or nonqualified.

Section 423 of the Internal Revenue Code[4] sets forth the factors for a qualified ESPP. The ability to participate must be offered to all employees, and employees must voluntarily choose whether to participate in the program. The employer can offer its stock to employees at up to a 15 percent discount off of the fair market value of the stock, determined at the time the option to purchase stock is granted or at the time the stock is actually purchased. The employee is required to hold the stock for one or two years after the option is granted to receive capital gains treatment. If the employee sells the stock before the requisite period, any gain made on the sale is treated as ordinary income.

Nonqualified ESPPs are usually similar to qualified ESPPs, but they lack one or more qualifying features. For example, the plan may apply only to one segment of employees, or may provide for a greater discount.

B. The Fair Labor Standards Act and stock options

The Fair Labor Standards Act of 1938[5] (FLSA) establishes workplace protections including a minimum hourly wage and overtime compensation for covered employees, record keeping requirements and protections against child labor, among other provisions. A cornerstone of the FLSA is the requirement that an employer pay its nonexempt employees overtime for all hours worked over 40 in a week at one and one-half times the employee's regular rate of pay.[6] The term ''regular rate'' is broadly defined in the statute to mean ''all remuneration for employment paid to, or on behalf of, the employee.''[7]

Section 207(e) of the statute excludes certain payments from an employee's regular rate of pay to encourage employers to provide them, without undermining employees' fundamental right to overtime pay. Excluded payments include holiday bonuses or gifts,[8] discretionary bonuses,[9] bona fide profit sharing plans,[10] bona fide thrift or savings plans,[11] and bona fide old-age, retirement, life, accident or health or similar benefits plans.[12] By excluding these payments from the definition of ''regular rate,''[13] Congress recognized that certain kinds of benefits provided to employees are not within the generally accepted meaning of compensation for work performed.

Thus, by excluding these payments from the regular rate in section 207(e) of the FLSA, Congress encouraged employers to provide these payments and benefits to employees. The encouragement has worked well—employees now expect to receive from their employer at least some of these benefits (i.e., healthcare), which today, on average, comprise almost 30 percent of employees' gross compensation./14/ For similar reasons, Congress decided that the value and income from stock option, SAR and ESPP programs should also be excluded from the regular rate, because they allow employees to share in the future success of their companies.

C. The Department of Labor's opinion letter on stock options

The impetus behind the Worker Economic Opportunity Act is the broad dissemination of a February 1999 advisory opinion letter[15] regarding stock options issued by the Department of Labor's Wage and Hour Division, the agency charged with the administration of the FLSA. The letter involved an employer's stock option program wherein its employees would be notified of the program three months before the options were granted, and some rank-and-file employees employed by the company on the grant date would receive options. The options would have a two-year vesting period, with accelerated vesting if certain events occurred. The employer would also automatically exercise any unexercised options on behalf of the employees the day before the program ended.[16]

The opinion letter indicated that the stock option program did not meet any of the existing exemptions to the regular rate under the FLSA, although it did not explain the reasons in any detail. Later, the Administration's testimony before the House Workforce Protections Subcommittee explained that the stock option program did not meet the gift, discretionary bonus, or profit sharing exceptions to the regular rate because, among other reasons, it required employees to do something as a condition of receiving the options—to remain employed with the company for a period of time.[17] Such a condition is not allowed under the current regular rate exclusions. The testimony also noted that the program was not excludable under the thrift or savings plan exception because the employees were only allowed to exercise their options using a cashless method of exercise, and thus the employees could not keep the stock as savings or an investment.[18]

The opinion letter stated that the employer would be required to include any profits made from the exercise of the options in the regular rate of pay of its nonexempt employees. In particular, the profits would have to be included in the employee's regular rate for the shorter of the time between the grant date and the exercise date, or the two years prior to exercise.[19]

Section 207(e)'s exclusions to the regular rate did not clearly exempt the profits of stock options or similar equity devices from the regular rate, and thus from the overtime calculation. Thus, the Department of Labor's opinion letter provided a permissible reading of the statute. A practical effect of the Department of Labor's interpretation was stated by J. Randall MacDonald, Executive Vice President of Human Resources and Administration at GTE during a March 2 House Workforce Protections Subcommittee hearing on the issue: ''[i]f the Fair Labor Standards Act is not corrected to reverse this policy, we will no longer be able to offer stock options to our nonexempt employees.''[20]

As the contents of the letter became generally known in the business community and on Capitol Hill, it became clear that the letter raised an issue under the FLSA that previously had not been contemplated. It further became clear that an amendment to the FLSA would be needed to change the law specifically to address stock options.

A legislative solution was not only supported by employers at the House hearing, it was also supported by employees and unions. Patricia Nazemetz, Vice President of Human Resources for Xerox Corporation, read a letter from the Union of Needlework, Industrial and Textile Employees (UNITE), the union that represents many Xerox manufacturing and distribution employees, in which the International Vice President stated:

''Xerox's UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purposes of calculating overtime. . . . It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future.''[21]

At the House hearing, the Administration also acknowledged that the problem needed to be fixed legislatively in a flexible manner, ''Based on the information we have been able to obtain, there appears to be wide variations in the scope, nature and design of stock option programs. There is no one common model for a program, suggesting the need for a flexible approach. Given the wide variety and complexity of programs, we believe that the best solution would be to address this matter legislatively.''[22]

The general agreement on the need to fix the problem among these diverse interests led to the development of the Worker Economic Opportunity Act.

III. EXPLANATION OF THE BILL AND SPONSORS' VIEWS

Congress worked closely with the Department of Labor to develop this important legislation. The sections below reflect the discussions between the sponsors and the Department of Labor during the development of the legislation, and the sponsors' intent and their understanding of the legislation.

A. Definition of bona fide ESPP

For the purposes of the Worker Economic Opportunity Act, a bona fide employee stock purchase plan includes an ESPP that is (1) a qualified ESPP under section 423 of the Internal Revenue Code;[23] or (2) a plan that meets the criteria identified below.

1. Qualified employee stock purchase plans

Qualified ESPPs, known as section 423 plans, comprise the overwhelming majority of stock purchase plans. Thus, the intent of the legislation is to deem ''bona fide'' all plans that meet the criteria of section 423.

2. Nonqualified employee stock purchase plans

As described above, section 423 plans are considered bona fide ESPPs. Further, those ESPPs that do not meet the criteria of section 423, but that meet the following criteria also qualify as bona fide ESPPs:

(a) the plan allows employees, on a regular or periodic basis, to voluntarily provide funds, or to elect to authorize periodic payroll deductions, for the purchase at a future time of shares of the employer's stock;

(b) the plan sets the purchase price of the stock as at least 85% of the fair market value of the stock at the time the option is granted or at the time the stock is purchased; and

(c) the plan does not permit a nonexempt employee to accrue options to purchase stock at a rate which exceeds $25,000 of fair market value of such stock (determined either at the time the option is granted or the time the option is exercised) for each calendar year.

The sponsors note that many new types of ESPPs are being developed, particularly by companies outside the United States, and that many of these companies may also intend to apply them to their U.S.-based employees. These purchase plans have several attributes which make them appear to be more like savings plans than traditional U.S. stock purchase plans, such as a period of payroll deductions of between three and five years, or an employer provided ''match'' in the form of stock or options to the employee.

Further many companies are developing plans that are similar to section 423 plans. The sponsors believe that it is in the best interests of employees for the Secretary of Labor to review these and other new types of plans carefully in the light of the purpose of the Worker Economic Opportunity Act—to encourage employers to provide opportunities for equity participation to employees—and to allow section 7(e), as amended, to accommodate a wide variety of programs, where it does not undermine employees' fundamental right to overtime pay. It is the sponsors' vision that this entire law be flexible and forward-looking and that the Department of Labor apply and interpret it consistently with this vision.

B. ''Value or Income'' is defined broadly

The hallmark of the Worker Economic Opportunity Act is that section 7(e)(8) provides that any value or income derived from stock option, SAR or bona fide ESPP programs is excluded from the regular rate of pay. For this reason, the phrase ''value or income'' is construed broadly to mean any value, profit, gain, or other payment obtained, recognized or realized as a result of, or in connection with, the provision, award, grant, issuance, exercise or payment of stock options, SARs, or stock issued or purchased pursuant to a bona fide ESPP program established by the employer.

This broad definition means, for example, that any nominal value that a stock option or stock appreciation right may carry before it is exercised is excluded from the regular rate. Similarly, the value of the stock or the income in the form of cash is excluded after options are exercised, as is the income earned from the stock in the form of dividends or ultimately the gains earned, if any, on the sale of the stock. The discount on a stock option, SAR or stock purchase under a ESPP program is likewise excludable.

C. The act preserves programs which are otherwise excludable under existing regular rate exemptions

The Worker Economic Opportunity Act recognizes two ways that employer equity programs may be excluded from the regular rate. Such equity programs may be excluded if they meet the existing exemptions to the regular rate pursuant to Section 7(e)(1)–(7), which apply to contributions and sums paid by employers regardless of whether such payments are made in cash or in grants of stock or other equity based vehicles, and provided such payment or grant is consistent with the existing regulations promulgated under Section 7(e). Employer equity plans also may be excluded under new section 7(e)(8) added by the Worker Economic Opportunity Act.

This is reaffirmed in new section 207(e)(8), which makes clear that the enactment of section 7(e)(8) carries no negative implication about the scope of the preceding paragraphs of section (e). Rather, the sponsors understand that some grants and rights that do not meet all the requirements of section 7(e)(8) may continue to qualify for exemption under an earlier exclusion. For example, programs that grant options or SARs that do not have a vesting period may be otherwise excludable from the regular rate if they meet another section (7)(e) exclusion. This would be true even if the option was granted at less than 85% of fair market value. This language was not intended to prevent grants or rights that meet some but not all of the requirements of an earlier exemption in 7(e) from being exempt under the newly created exemption.

D. Basic communication to employees required because it helps ensure a successful program

For grants made under a stock option, SAR or bona fide ESPP program to qualify for the exemption under new section 7(e)(8), their basic terms and conditions must be communicated to participating employees either at the beginning of the employee's participation in the program or at the time of grant. This requirement was put into the legislation to recognize that when employees understand the mechanics and the implications of the equity devices they are given, they can more fully participate in exercising meaningful choices with respect to those devices. As discussed below, this is a simple concept, it is not intended to be a complicated or burdensome requirement.

1. Terms and conditions to be communicated to employees

Employers must communicate the material terms and conditions of the stock option, stock appreciation right or employee stock purchase program to employees to ensure that they have sufficient information to decide whether to participate in the program. With respect to options, these terms include basic information on the number of options granted, the number of shares granted per option, the grant price, the grant date or dates, the length of any applicable vesting period(s) and the dates when the employees will first be able to exercise options or rights, under what conditions the options must be forfeited or surrendered, the exercise methods an employee may use (such as cash for stock, cashless for cash or stock, etc.), any restrictions on stock purchased through options, and the duration of the option, and what happens to unexercised options at the end of the exercise period. Pending issuance of any regulations, an employer who communicated the information in the prior sentence is to be deemed to have communicated the terms and conditions of the grant. Similar information should be provided regarding SARs or ESPPs.

2. The mode of communications

The legislation does not specify any particular mode of communication of relevant information, and no particular method of communication is required, as long as the method chosen reasonably communicates the information to employees in an understandable fashion. For example, employers may notify their employees of an option grant by letter, and later provide a formal employee handbook, or other method such as a link to a location on the company Intranet. Any combination of communications is acceptable. The intent of the legislation is to ensure that employees are provided the basic information in a timely manner, not to mandate the particular form of communication.

3. The timing of communications

The legislation specifies that the employer is to communicate the terms and conditions of the stock option, SAR and ESPP programs to employees at or before the beginning of the employee's participation in the program or at the time the employee receives a grant. It is acceptable, and perhaps even likely, that the relevant information on a program will be disseminated in a combination of communications over time. This approach allows flexibility and acknowledges that types of participation vary greatly between stock option and SAR programs, on the one hand, and ESPPs on the other.

For example, under an ESPP, an employee may choose to begin payroll deductions in January, but not actually have the option to purchase stock until June. By contrast, with an option or SAR program, employees are given the options or rights at the outset, but those rights may not vest until some year in the future.

The timing of the communication is flexible, because often it is difficult to have materials ready for employees at the beginning of a stock option or stock appreciation right program, immediately following approval by the Board of Directors, because of confidentiality requirements. Thus, within a reasonable time following approval of a stock option grant by the Board of Directors, the employer is required to communicate basic information about the grant employees have received. For example, an initial letter may notify the employees that they have received a certain number of stock options and provide the basic information about the program. More detailed information about the program may precede or follow the grant in formats such as an employee handbook, options pamphlet, or an Intranet site that provides options information.

E. Exercisability criteria applicable only to stock options and SARs

As discussed above, a common feature in grants of stock options and SARs is a vesting or holding period, which under current practice may be as short as a few months or as long as a number of years. For a stock option or SAR to be excluded from the regular rate pursuant to the Worker Economic Opportunity Act, new section 7(e)(8) requires that the grant or right generally cannot be exercisable for at least six months after the date of grant.

For stock option grants that include a vesting requirement, typically an option will become exercisable after the vesting period ends. Some option grants vest gradually in accordance with a schedule. For example, a portion of the employee's options may vest after six months, with the remaining portion vesting three months thereafter. Options may also vest in connection with an event, such as the stock reaching a certain price or the company attaining a performance target.

In addition, the sponsors recognize that a grant that is vested may not be currently exercisable by the employee because of an employer's requirement that the employee hold the option for a minimum period prior to exercise. In other words, there may be an additional period of time after the vesting period during which the option remains unexerciseable. An option or SAR may meet the exercisability requirements of the bill without regard to the reason why the right to exercise is delayed.

Further, if a single grant of options or SARs includes some options exercisable after six months while others are exercisable earlier, then those exercisable after the six month period will meet the exercisability requirement even if the others do not. The determination is made option by option, SAR by SAR. In addition, if exercisability is tied to an event, the determination of whether the six-month requirement is met is based on when the event actually occurs. Thus, for example, if an option is exercisable only after an initial public offering (IPO) and the IPO occurs seven months after grant, the option shall be deemed to have met the provision's exercisability requirement.

However, section 7(e)(8)(B) specifically recognizes that there are a number of special circumstances when it is permissible for an employer to allow for earlier exercise to occur (in less than 6 months) without loss of the exemption. For example, an employer or plan may provide that a grant may vest or otherwise become exercisable earlier than six months because of an employee's disability, death, or retirement. The sponsors encourage the Secretary to consider and evaluate other changes in employees' status or circumstances.

Earlier exercise is also permitted in connection with a change in corporate ownership. The term change in ownership is intended to include events commonly considered changes in ownership under general practice for options and SARs. For example, the term would include the acquisition by a party of a percentage of the stock of the corporation granting the option or SAR, a significant change in the corporation's board of directors within 24 months, the approval by the shareholders of a plan of merger, and the disposition of substantially all of the corporation's assets.

The sponsors believe it important to allow employers the flexibility to construct plans that allow for these earlier exercise situations. However, this section is not intended to in any way require employers to include these or any other early exercise circumstances in their plans.

F. Stock option and SAR programs may be awarded at fair market value or discounted up to and including 15%

Stock options and SARs generally are granted to employees at around fair market value or at a discount. New section 7(e)(8)(B) recognizes that grants may be at a discount, but that the discount cannot be more than a 15% discount off of the fair market value of the stock (or in the case of stock appreciation rights, the underlying stock, security or other similar interest).

A reasonable valuation method must be used to determine fair market value at the time of grant. For example, in the case of a publicly traded stock, it would be reasonable to determine fair market value based on averaging the high and low trading price of the stock on the date of the grant. Similarly, it would be reasonable to determine fair market value as being equal to the average closing price over a period of days ending with or shortly before the grant date (or the average of the highs and lows on each day). In the case of a non-publicly traded stock, any reasonable valuation that is made in good faith and based on reasonable valuation principles must be used.

The sponsors understand that the exercise price of stock options and SARs is sometimes adjusted in connection with recapitalizations and other corporate events. Accounting and other tax guidelines have been developed for making these adjustments in a way that does not modify a participant's profit opportunity. Any adjustment conforming with these guidelines does not create an issue under the 15% limit on discounts.

G. Employee participation in equity programs must be voluntary

New section (8)(C) of the Worker Economic Opportunity Act states that the exercise of any grant or right must be voluntary. Voluntary means that the employee may or may not choose not to exercise his or her grants or rights at any point during the stock option, stock appreciation right, or employee stock purchase program, as long as that is in accordance with the terms of the program. This is a simple concept and it is not to be interpreted as placing any other restrictions on such programs.

It is the intent of the sponsors that this provision does not restrict the ability of an employer to automatically exercise stock options or SARs for the employee at the expiration of the grant or right. However, an employer may not automatically exercise stock options or SARs for an employee who has notified the employer that he or she does not want the employer to exercise the options or rights on his or her behalf.

Stock option, SARs and ESPP programs may qualify under new section 7(e)(8) even though the employer chooses to require employees to forfeit options, grants or rights in certain employee separation situations.

H. Performance based programs

The purpose of new section 7(e)(8)(D) is to set out the guidelines employers must follow in order to exclude from the ''regular rate'' grants of stock options, SARs, or shares of stock pursuant to an ESPP program based on performance. If neither the decision of whether to grant nor the decision as to the size of the grant is based on performance, the provisions of in new section 7(e)(8)(D) do not apply. For example, grants made to employees at the time of their hire, and any value or income derived from these grants, may be excluded provided they meet the requirements in new sections 7(e)(8)(A)–(C).

New section 8(D) is divided into two clauses. The first, clause (i), deals with awards of options awarded based on pre-established goals for future performance, and the second, clause (ii), deals with grants that are awarded based on past performance.

1. Goals for future performance

New section 7(e)(8)(D)(i) provides that employers may tie grants to future performance so long as the determinations as to whether to grant and the amount of grant are based on the performance of *either* (i) any business unit consisting of at least ten employees *or* (ii) a facility.

A business unit refers to all employees in a group established for an identifiable business purpose. The sponsors intend that employers should have considerable flexibility in defining their business units. However, the unit may not merely be a pretext for measuring the performance of a single employee or small group of fewer than ten employees. By way of example, a unit may include any of the following: (i) a department, such as the accounting or tax departments of a company, (ii) a function, such as the accounts receivable function within a company's accounting department, (iii) a position classification, such as those call-center personnel who handle initial contacts, (iv) a geographical segment of a company's operations, such as delivery personnel in a specified geographical area, (v) a subsidiary or operating division of a company, (vi) a project team, such as the group assigned to test software on various computer configurations or to support a contract or a new business venture.

With respect to the requirement to have ten or more employees in a unit, this determination is based on all of the employees in the unit, not just those employees who are, for example, non-exempt employees.

A facility includes any separate location where the employer conducts its business. Two or more locations that would each qualify as a facility may be treated as a single facility. Performance measurement based on a particular facility is permitted without regard to the number of employees who are working at the facility. For example, a facility would include any of the following: a separate office location, each separate retail store operated by a company, each separate restaurant operated by a company, a plant, a warehouse, or a distribution center.

The definitions of both a business unit and a facility are intended to be flexible enough to adapt to future changes in business operations. Therefore, the examples of business units set forth above should be viewed with this in mind.

Options may be excluded from the regular rate in accordance with new section 7(e)(8)(D)(i) under the following circumstances:

Example 1—Employer announces that certain employees at the Wichita, Kansas plant will receive 50 stock options if the plant's production reaches a certain level by the end of the year (note that in order to fit within this subsection, the grant does not have to be made on a facility wide basis);

Example 2—Employer announces that it will grant employees working on the AnyCo. account 50 stock options each if the account brings in a certain amount of revenue by the end of the year, provided that there are at least 10 employees on the AnyCo. account.

Employer 3—Employer announces that certain employees will receive stock options if the company reaches specified goal.

New section 7(e)(8)(D)(i) also makes clear that otherwise qualifying grants remain excludable from the regular rate if they are based on an employees' length of service or minimum schedule of hours or days of work. For example, an employer may make grants only to employees: (i) who have a minimum number of years of service, (ii) who have been employed for at least a specified number of hours of service during the previous twelve month period (or other period), (iii) who are employed on the grant date (or a period ending on the grant date), (iv) who are regular full-time employees (i.e., not part-time or seasonal), (v) who are permanent employees, or (vi) who continue in service for a stated period after the grant date (including any minimum required hours during this period). Any or all of these conditions, and similar conditions, are permissible.

2. Past performance

New section 7(e)(8)(D)(ii) clarifies that employers may make determinations as to existence and amount of grants or rights based on past performance, so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract. Thus, employers have broad discretion to make grants as rewards for the past performance of a group of employees, even if it is not a facility or business unit, or even for an individual employee. The determination may be based on any performance criteria, including hours of work, efficiency or productivity.

Under new section 7(e)(8)(D)(ii), employers may develop a framework under which they will provide options in the future, provided that to the extent the ultimate determination as to the fact of and the amount of grants or rights each employee will receive is based on past performance, the employer does not contractually obligate itself to provide the grant or rights to an employee. Thus, new section 7(e)(8)(D)(ii) would allow an employer to determine in advance that it will provide 100 stock options to all employees who receive ''favorable'' ratings on their performance evaluations at the end of the year, and it would allow the employer to advise employees, in employee handbooks or otherwise, of the possibility that favorable evaluations may be rewarded by option grants, so long as the employer does not contractually obligate itself to provide the grants or in any other way relinquish its discretion as to the existence or amount of grants.

Similarly, the fact that an employer makes grants for several years in a row based on favorable performance evaluation ratings, even to the point where employees come to expect them, does not mean in itself that the employer may be deemed to have ''contractually obligated'' itself to provide the rights.

Some examples of performance based grants that fit within new section7(e)(8)(D)(ii) are as follows:

Example A—Company A awards stock options to encourage employees to identify with the company and to be creative and innovative in performing their jobs. Company A's employee handbook includes the following: ''Company A's stock option program is a long-term incentive used to recognize the potential for, and provide an incentive for, anticipated future performance and contribution. Stock option grants may be awarded to employees at hire, on an annual basis, or both. All full-time employees who have been employed for the appropriate service time are eligible to be considered for annual stock option grants.''

Company A provides stock options to most nonexempt employees following their performance review. Each employee's manager rates the employee during a review process, resulting in a rating of from 1 to 5. The rating is based upon the manager's objective and subjective analysis of the employee's performance. The rating is then put into a formula to determine the number of options an employee is eligible to receive, based on the employee's level within the company, the product line that the employee works on, and the value of the product to the company's business. Employees are aware a formula is used. The Company then informs the employee of the number of options awarded to him or her.

Managers make it clear to employees that the options are granted in recognition of prior performance with the expectation of the employee's future performance, but no contractual obligation is made to employees. This process is repeated annually, with employees eligible for stock options each year based on their annual performance review. Most employees receive options annually based upon their performance review rating and their level in the company.

Example B—Company B manages its program similarly to company A, with some notable exceptions. Company B has a very detailed performance management system, under which all employees successfully meeting the expectations of their job receive options. The employee's job expectations are more clearly spelled out on an annual basis than under Company A's plan. Once a year, the employee undergoes a formal, written, performance review with his or her manager. If work is satisfactory, the employee receives a predetermined but unannounced number of options. Unlike Company A, which provides different amounts of options to employees based upon a numeric performance rating, Company B provides the same number of options to all employees who receive satisfactory employment evaluations. Over 90 percent of Company B's employees receive options annually, and in many years, this percentage exceeds 95 percent.

In both Example A and Example B, the employers set up in advance the formula under which option decisions are made; however, the decisions as to whether an individual employee would receive options and how many options he or she would receive was made based on past performance at the end of the performance period, but not pursuant to a prior contractual obligation made to the employees. The fact that the employer determines a formula or program in advance does not disqualify these examples from new section 7(e)(8).

I. Extra compensation

The Worker Economic Opportunity Act also amends section 7(h) of the FLSA (29 U.S.C. § 207(h)) to ensure that the income or value that results from a stock option, SAR or ESPP program, and that is excluded from the regular rate by new section 7(e)(8), cannot be credited by an employer toward meeting its minimum wage obligations under section 6 of the Act or overtime obligations under section 7 of the Act. The language divides section 7(h) into two parts, 7(h)(1) and 7(h)(2). Section 7(h)(1) states that an employer may not credit an amount, sum, or payment excluded from the regular rate under existing sections 7(e)(1–7) or new section 7(e)(8) towards an employer's minimum wage obligation under section 6 of the Act. When section 7(h)(1) is read together with section 7(h)(2), it states that an employer may not credit an amount excluded under existing sections 7(e)(1–4) or new section 7(e)(8) toward overtime payments. However, consistent with existing 7(h), extra compensation paid by an employer under sections 7(e)(5–7) may be creditable towards an employer's overtime obligations. This change shall take effect on the effective date but will not affect any payments that are not excluded by section 7(e) and thus are included in the regular rate.

J. The legislation includes a broad pre-effective date safe harbor and transition time

In drafting the Worker Economic Opportunity Act, the sponsors hoped to create an exemption that would be broad enough to capture the diverse range of broad-based stock ownership programs that are currently being offered to non-exempt employees across this nation. However, in order to reach a consensus, the new exemption had to be tailored to comport with the existing framework of the FLSA. The result is a series of requirements that stock option, SAR and ESPP programs must meet in order for the proceeds of those plans to fit within the newly created exemption.

Because of the circumstances that give rise to this legislation, the pre-effective date safe harbor is intentionally broader than the new exemption. The sponsors did not want to penalize those employers who have been offering broad-based stock option, SAR and ESPP programs simply because these programs would not meet all the new requirements in section 7(e)(8). Thus, the safe harbor in section 2(d) of the Act comprehensively protects employers from any liability or other obligations under the FLSA for failing to include any value or income derived from stock option, SAR and ESPP programs in a non-exempt employee's regular rate of pay. The safe harbor applies to all grants or rights that were obtained under such programs prior to the effective date, whether or not such programs fit within the new requirements of section 7(e)(8). If a grant or right was initially obtained prior to the effective date, it is covered by the safe harbor even though it vested later or was contingent on performance that would occur later. In addition, normal adjustments to a pre-effective date grant or right, such as those that are triggered by a recapitalization, change of control or other corporate event, will not take the grant or right outside the safe harbor.

On a prospective basis, the sponsors realized that many employers would need time to evaluate their programs in light of the new law and to make the changes necessary to ensure that the programs will fit within the new section 7(e)(8) exemption. Consequently, the sponsors adopted a broad transition provision to apply to stock option, SAR and ESPP programs without regard to whether or not they meet the requirements for these plans set forth in the legislation. Specifically, section 2(c) of the legislation contains a 90-day post enactment delayed effective date. The sponsors believe that the vast majority of employers who offer stock option, SAR and ESPP programs to non-exempt employees will be able to use the transition period in section 2(d)(1) to modify their programs to conform with the requirements of the legislation.

In addition, the sponsors felt that there were two circumstances where a further extension of this broad transition relief was appropriate. First, the legislation recognizes that some employers would need the consent of their shareholders to change their plans. Section 2(d)(2) provides an additional year of transition relief to any employer with a program in place on the date this legislation goes into effect that will require shareholder approval to make the changes necessary to comply with the new requirements of section 7(e)(8). Second, the legislation extends the transition relief to cover situations wherein an employer's obligations under a collective bargaining agreement conflict with the requirements of this Act. Section 2(d)(3) eliminates any potential conflict by allowing employers to fulfill their pre-existing contractual obligations without fear of liability.

V. REGULATORY IMPACT STATEMENT

The sponsors have determined that the bill would result in some additional paperwork, time and costs to the Department of Labor, which would be entrusted with implementation of the Act. It is difficult to estimate the volume of additional paperwork necessitated by the Act, but the sponsors do not believe that it will be significant.

VI. SECTION-BY-SECTION ANALYSIS

Sec. 2. (a) Amendments to the Fair Labor Standards Act—The legislation amends Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 207(e)) by creating a new subsection, 7(e)(8), which will exclude from the definition of the regular rate of pay any income or value nonexempt employees derive from an employer stock option, stock appreciation right, or bona fide employee stock purchase program under certain circumstances. Specifically, the legislation adds the following provisions to the end of Section 7(e) of the Fair Labor Standards Act:

(8) The new exclusion provides that when an employer gives its employees an opportunity to participate in a stock option, stock appreciation right or a bona fide employee stock purchase program (as explained in the Explanation of the Bill and Sponsor's Views), any value or income received by the employee as a result of the grants or rights provided pursuant to the program that is not already excludable from the regular rate of pay under sections 7(e)(1–7) of the Act (29 U.S.C. § 207(e)), will be excluded from the regular rate of pay, provided the program meets the following criteria—

(8)(A) The employer must provide employees who are participating in the stock option, stock appreciation right or bona fide employee stock purchase program with information that explains the terms and conditions of the program. The information must be provided at the time when the employee begins participating in the program or at the time when the employer grants the employees stock options or stock appreciation rights.

(8)(B) As a general rule, the stock option or stock appreciation right program must include at least a 6 month vesting (holding) period. That means that employees will have to wait at least 6 months after they receive stock options or a stock appreciation rights before they are able to exercise the right for stock or cash. However, in the event that the employee dies, becomes disabled, or retires, or if there is a change in corporate ownership that impacts the employer's stock or in other circumstances set forth at a later date by the Secretary in regulations, the employer has the ability to allow its employees to exercise their stock options or stock appreciation rights sooner. The employer may offer stock options or stock appreciation rights to employees at no more than a 15 percent discount off the fair market value of the stock or the stock equivalent determined at the time of the grant.

(8)(C) An employee's exercise of any grant or right must be voluntary. This means that the employees must be able to exercise their stock options, stock appreciation rights or options to purchase stock under a bona fide employee stock purchase program at any time permitted by the program or to decline to exercise their rights. This requirement does not preclude an employer from automatically exercising outstanding stock options or stock appreciation rights at the expiration date of the program.

(8)(D) If an employer's grants or rights under a stock option or stock appreciation right program are based on performance, the following criteria apply.

(1) If the grants or rights are given based on the achievement of previously established criteria, the criteria must be limited to the performance of any business unit consisting of 10 or more employees or of any sized facility and may be based upon that unit's or facility's hours of work, efficiency or productivity. An employer may impose certain eligibility criteria on all employees before they may participate in a grant or right based on these performance criteria, including length of service or minimum schedules of hours or days of work.

(2) The employer may give grants to individual employees based on the employee's past performance, so long as the determination remains in the sole discretion of the employer and not according to any prior contract requiring the employer to do so.

(b) Extra Compensation—The bill amends section 7(h) of the Fair Labor Standards Act (29 U.S.C. 207(h) to make clear that the amounts excluded under section 7(e) of the bill are not counted toward an employer's minimum wage requirement under section 6 of the Fair Labor Standards Act and that the amounts excluded under sections 7(e)(1)–(4) and new section 7(e)(8) are not counted toward overtime pay under section 7 of the Act.

(c) Effective Date—The amendments made by the bill take effect 90 days after the date of enactment.

(d) Liability of Employers—

(1) No employer shall be liable under the FLSA for failing to include any value or income derived from any stock option, stock appreciation right and employee stock purchase program in an non-exempt employee's regular rate of pay, so long as the employee received the grant or right at any time prior to the date this amendment takes effect.

(2) Where an employer's pre-existing stock option, stock appreciation right, or employee stock purchase program will require shareholder approval to make to the changes necessary to comply with this amendment, the employer shall have an additional year from the date this amendment takes effect to change its plan without fear of liability.

(3) Where an employer is providing stock options, stock appreciation rights, or an employee stock purchase program pursuant to a collective bargaining agreement that is in effect on the effective date of this amendment, the employer may continue to fulfill its obligations under that collective bargaining agreement without fear of liability.

(e) Regulations—the bill gives the Secretary of Labor authority to promulgate necessary regulations.

Submitted April 12, 2000 by the Sponsors of S. 2323.

MITCH MCCONNELL.
CHRISTOPHER J. DODD.
JAMES M. JEFFORDS.
MICHAEL B. ENZI.

FOOTNOTES

[1] David Lebow et al., Recent Trends in Compensation Practices, Board of Governors of the Federal Reserve System, Fin. and Econ. Discussion Series, No. 1999–32, July 1999.

[2] Anita U. Hattiangadi, Taking Stock: $470,000 at Risk for Hourly Workers, Employment Policy Foundation, Mar. 2, 2000, at 4, and Fig. 2.

[3] Any stock option program that meets the criteria under section 422 of the Internal Revenue Code (called an Incentive Stock Option) is considered a qualified option. 26 U.S.C. § 422.

[4] 26 U.S.C. § 423.

[5] 29 U.S.C. §§ 201, et seq.

[6] 29 U.S.C. § 207(a)(1).

[7] 29 U.S.C. § 207(e).

[8] 29 U.S.C. § 207(e)(1).

[9] 29 U.S.C. § 207(e)(3).

[10] Id.

[11] Id.

[12] 29 U.S.C. § 207(e)(4).

[13] See e.g., Conference Report on H.R. 5856, H. Rept. No. 1453.

[14] U.S. Dept of Lab, Bureau of Lab. Statistics, Employer Costs For Employee Conpensation—March 1999, available at ftp://146.142.4.23/pub/news.release/ecec.txt.

[15] A wage-hour opinion letter responds to a request for the Department of Labor's view of how the law applies to a given set of facts. The letters are available to the public upon request or through commercial reporting services. Opinion letters have significant practical effects: ''[T]he Administrator's interpretation . . . has the characteristic not only of securing 'expected compliance' . . . but of possibly stimulating double damage suits by employees who need not fear that they would be at odds with the Government Officials involved.'' *National Automatic Laundry & Cleaning Council* v. *Shultz*, 143 U.S. App. D.C. 274 (D.C. Cir. 1971).

[16] Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

[17] Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Employment and Training, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of T. Michael Kerr, at 4–5).

[18] Id. at 5. The testimony also noted that the program's automatic exercise feature prevented the employees' participation from being voluntary, as required under the Division's rules for thrift savings programs.

[19] Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

[20] Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Employment and Training, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of J. Randall MacDonald, at 2).

[21] Id. (addendum to statement of Patricia Nazemetz, Letter from Gary J. Bonadonna, Director & International Vice President, UNITE, February 22, 2000).

[22] Id. (statement of T. Michael Kerr, at 7).

[23] 26 U.S.C. § 423.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Connecticut, Mr. DODD, is recognized.

Mr. DODD. Mr. President, I appreciate how the Chair pronounces that name so well. I am very grateful to the Chair.

I am deeply pleased to be joining my good friend and colleague from Kentucky in authoring this legislation, along with several of our other colleagues. Senator MCCONNELL mentioned several of them. But certainly Senator ENZI, Senator BENNETT, Senator ROBB, Senator MURRAY, Senator BINGAMAN, Senator REED, Senator KERREY, among others are also cosponsors of this bill.

I am also pleased to inform this body that the Clinton-Gore administration is a strong backer of the Worker Economic Opportunity Act, which is presently before us.

We have one of those unique opportunities that is not always available to us in this Congress of the United States; that is, we are actually going to do something this afternoon that couldn't have any rancor associated with it. It will make a difference in the lives, we think, of millions of people who would like to share in the remarkable prosperity we are enjoying.

We are backed by the administration. It is a bipartisan effort in this body. I am told that a similar version of this bill has been introduced in the other Chamber, the House of Representatives.

This is actually something we may accomplish, and we are not packing the galleries. It is not going to be a headline story tomorrow, but it will make a difference in people's lives.

We are in a period of sustained economic growth, almost unprecedented, if not unprecedented, in the 210-year history of our Nation. The unemployment rate today at 4.1 percent is the lowest it has been in 30 years. More than 21 million jobs have been created since 1993.

I see my colleague and good friend from Wyoming here. He is one of the cosponsors of this bill as well. I mentioned him earlier. We are pleased he is with us.

We are enjoying almost unprecedented prosperity in the country along with the remarkable results of low unemployment, the lowest in some three decades. More than 21 million new jobs have been created in the last 7 years in our Nation. Inflation is down, and real wages are rising and have grown in 5 consecutive years; again, almost an unprecedented record in our Nation's history.

For the first time in 50 years, the country posted three consecutive surpluses. Think of that. For the first time in decades, we are watching the deficit clock run in the opposite direction. Instead of how much debt we are accumulating every minute and every second, we are now reducing the national debt with the prospect of eliminating it by the year 2013.

What greater gift could we give to the next generation than to burn the national mortgage, if you will. The economy is roaring. It is producing a prosperity in the confidence which very few people could have imagined a few short years ago.

Factory workers, secretaries, and other nonexempt workers form the backbone of companies, large and small, that are also making a difference. These individuals have been driving our economy. It is the view of those who sponsor this bill since they are driving so much of this economy, they ought not to have to take a back seat to anyone in sharing in the prosperity this economy has produced.

In today's new economy, many companies look for creative ways to recruit, train, and reward employees. The Federal Reserve Board of Governors estimated approximately 17 percent of large firms in the United States introduced a stock option program and 37 percent have broadened eligibility for the stock option programs in the previous 2 years.

Ten years ago these options were a perk for the chief executive officer and other corporate executives in the corporation. Less than 1 million people received stock options in the early 1990s. Today, between 7 and 10 million people across this country are offered stock options. According to the National Center for Employee Ownership, more than 6 million workers receiving options are nonexecutives. In a 1997 survey, NECO reported that the average option grant value was $37,000 for professional employees, $41,000 for technical employees, and $12,500 for administrative employees.

This is very good for the long-term economic prospects in this country.

Clearly, the trend is that a broad cross section of companies offers stock option programs. In these changing times, I am concerned, as is my colleague from Kentucky and others, about laws working for businesses and employees. We need to work with them to find new ways to reward working people. As the economy changes, it is only fitting we update our laws, as well. That is why I join with my colleagues, and why others have joined, why the administration has joined, to change the 1938 Fair Labor Standards Act.

The Fair Labor Standards Act of 1938 is the benchmark of worker protection laws. I want to make very clear that the bill that is before the Senate today, S. 2323, does absolutely nothing to undermine the foundation of that critical and important piece of legislation.

My colleagues in the administration determined that the 1938 law needed to be amended in order to incorporate the emergence of stock option programs being offered to hourly employees. Our bill amends the Fair Labor Standards Act to clarify that the gains from stock options do not need to be included in the calculation of overtime pay. That is what the 1938 law said. That is where a lot of the confusion arose.

Our legislation strikes a balance between protecting employee rights and offering flexibility to employers. This bill excludes from the regular rate stock options, stock appreciation rights or bona fide stock purchase programs that meet specific vesting, disclosure and determination requirements. A safe harbor is in effect to protect those companies that already had established stock option programs for nonexempt employees, including those programs provided under a collective bargaining agreement or requiring shareholder approval.

I would like to commend the staff for their hard work on this bill—Sheila Duffy of my staff, Denise Grant with Senator MCCONNELL, and Leslie Silverman and Elizabeth Smith with the HELP Committee.

This proposal has broad bipartisan, bicameral support between the executive and legislative branches.

I ask unanimous consent two letters, one from the Union of the Needletrades, industrial and textile employees, and one from the ERISA Industry Committee, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNION OF NEEDLETRADES, INDUSTRIAL AND TEXTILE EMPLOYEES, ROCHESTER REGIONAL JOINT BOARD,

Rochester, NYC, February 22, 2000.

TO WHOM IT MAY CONCERN: I am writing on behalf of UNITE and its approximately 5,300 United States bargaining unit employees covered by a contract with Xerox Corporation. It is our understanding that Congress is currently considering legislation to clarify the Fair Labor Standards Act (FLSA) treatment of stock options and other forms of stock grants in computing overtime for non-exempt workers Xerox' UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purpose of calculating overtime.

It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future. In addition, without such a change in the law if options are granted there could be tremendous differentials in the amount of overtime each individual employee received based on what he or she decides to exercise an option or sell stock. However, our position that stock options should be exempt from the regular rate for purposes of overtime in no way diminishes our position that bargaining unit employees must have the right to receive overtime pay for actual hours.

As we begin the 21st century, UNITE hopes more companies will begin to provide all their employees with stock options and other forms of stock. It is a great way to assure that when the company does well the employees share the reward through employee ownership. Thank you for your consideration of this matter.

Sincerely,

GARY J. BONADONNA,
Director,
International Vice President.

THE ERISA INDUSTRY COMMITTEE,
Washington, DC April 10, 2000.

DEAR SENATOR: The ERISA Industry Committee (ERIC) strongly urges you to support S. 2323, the "Worker Economic Opportunity Act." S. 2323 is expected to come before the Senate for a vote during the week of April 10. Timely enactment of this legislation is critical to the continued viability of broad-based stock options and other similar programs that provide employees with equity ownership in the companies for which they work.

Introduced March 29 by Senator Mitch McConnell, the "Worker Economic Opportunity Act" enjoys strong bipartisan and bicameral support. The bill is the result of a cooperative effort between congressional leaders, the Department of Labor, and the business community.

Stock options increasingly are available to a broad range of employees, not just executives. A recent survey by William M. Mercer, Inc. reports a better than twofold increase since 1993 in the percentage of major industrial and service corporations that have a broad-based stock option plan.

In spite of the growing enthusiasm for employee equity ownership among employers and employees, an advisory letter interpreting current law issued by the Department of Labor's Wage and Hour Division has effectively stopped this movement in its tracks.

According to the Department's interpretation of the Fair Labor Standards Act (FLSA) of 1938, any gains from the exercise of stock options recognized by rank and file workers must be included in their "regular rate of pay" for purposes of computing overtime wages. Thus, in order to comply with the Wage and Hour Division's interpretation of the FLSA, employers would be required to track stock options granted to rank and file employees and recalculate their overtime payments once the options have been exercised.

No rational employer will subject itself to this impracticable burden. As a result, rank and file workers will be denied the valued opportunity to become a stakeholder in their employer's future.

S. 2323 is narrowly tailored to directly address the issues raised by the Wage and Hour Division's advisory letter without compromising any long-standing worker protections under FLSA. Most important, this legislation will benefit millions of working Americans by facilitating the continued expansion of equity-based compensation programs. It should be enacted without delay.

Thank you for considering our views. Please feel free to call on us if you have any questions or need additional information.

Very truly yours,

MARK J. UGORETZ,
President.

Mr. DODD. Mr. President, this bill is about fundamental fairness. I urge our colleagues to support this Worker Economic Opportunity Act to give working Americans a chance to share in our Nation's prosperity.

I ask further unanimous consent that during the remainder of this debate and the remainder of the day the bill be left open for additional cosponsorships. We have 20 or 30, but I suspect there may be others who would like their names associated with this bill. I ask unanimous consent cosponsorship of the bill be left open for the remainder of today's legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I commend the Senator from Connecticut and the Senator from Kentucky for their work on the bill being presented today. We are here today because we believe that all workers should have the opportunity to share in the success of their companies and it is incredibly important we do all we can to make sure that this legislation gets passed with the vote it deserves.

More and more employers are providing equity ownership opportunities to all of their employees and we are here today because we want to foster this trend which is good for our workers and for our nation's economic growth. The Worker Economic Opportunity Act will encourage this trend by changing the Fair Labor Standards Act to address the needs of the 21st century.

Over the last ten years, we have witnessed tremendous change in the structure of our Nation's economy in large part due to the birth of the internet and e-commerce. The vitality of our economy is a tribute to the creative and entrepreneurial genius of thousands of individual business people and the indispensable contribution of the American workforce.

As legislators during this exciting time, we are challenged to maintain an environment that will foster the continued growth of our economy. We must work to ensure that our laws are in sync with the changing environment. However, many of the laws and policies governing our workplace have fallen out of sync with the information age and there has been particular resistance to changing our labor laws. As chairman of the Senate Committee with jurisdiction over workplace issues, I believe it is time to examine and modify these laws to meet the rapidly evolving needs of the American workforce.

The Fair Labor Standards Act (FLSA), for example, was enacted in the late 1930s, to establish basic standards for wages and overtime pay. While the principles behind the FLSA have not changed, its rigid provisions make it difficult for employers to accommodate the needs of today's workforce. In early January, we discovered the problem that we are addressing here today. It is extremely important. We learned that the sixty-year old law actually operates to deter employers from offering equity participation programs, such as stock options, to hourly employees.

These programs are most prevalent in the high tech industry, yet increasingly employers across the whole spectrum of American industry have begun to offer them. And, while these programs used to be reserved for executives, recent data shows that they are making their way down the corporate ladder. A recent Federal Reserve Board of Governors study found that 17% of firms have introduced stock options programs within the last two years and 37% have broadened eligibility for their stock option programs in the last two years.

Broad-based equity programs prove valuable to both employers and employees. For employers, these programs have become a key tool for employee recruitment, motivation and retention. Employees seek out companies offering these programs because they enable workers to become owners and reap the benefits of their company's growth.

When I first heard about the FLSA's application to stock options, I became very concerned about its impact on our workforce. I was pleased to discover that Senators MCCONNELL, DODD, and ENZI shared similar concerns and that the Department of Labor also recognized that we had a problem on our hands that would require a legislative solution. Together we crafted the legislation we are debating here today.

We have also worked together on a Joint Statement of Legislative Intent on S. 2323 which is intended to reflect the discussions the sponsors had with the Department of Labor during the drafting of the legislation, and the sponsors' intent and understanding of this legislation.

I urge all my colleagues to join me in supporting this important legislation. It is a symbolic first step in the process of aligning our labor laws with the new economy.

I commend the Senator from Wyoming who is one of the initial people who understood the importance of this issue and who came forward to help other Members understand the dangers of the present situation and to bring about the bill we have before the Senate. I am happy to yield the floor to my wonderful Senator from Wyoming.

The PRESIDING OFFICER (Mr. GREGG). The distinguished Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I commend the chairman of the Health, Education, Labor, and Pensions Committee, the jurisdictional committee, for this very important piece of legislation. I appreciate his allowing me to be the subcommittee chairman for the labor portion of that committee, which is referred to as the Employment, Safety and Training Subcommittee. We get to work on these kinds of issues on a regular basis. In the past, it has been known as one of the more contentious committees. But I recommend people take a look and note it is one of the more reasonable committees now, where we are reaching bipartisan solutions to problems for people in the workplace. That has always been our intent. We are actually having some confidence in each other now and are able to achieve those sorts of things.

I am pleased to be able to rise today to speak in favor of S. 2323, the Worker Economic Opportunity Act. The large number of bipartisan cosponsors on this bill says a great deal for both its importance and its balanced, fair nature. I commend the hard work of my colleagues, Senator JEFFORDS, Senator MCCONNELL, and Senator DODD, both in crafting a solution on the issue and in garnering the bipartisan support for the bill.

Elizabeth Smith, the legal counsel for the Employment, Safety and Training Subcommittee, has been one of the coordinators of the bill and has helped us to bring it all together. That is not only coordination between the House and Senate, between Republicans and Democrats, but it is also with the administration. A few days ago we had an opportunity to gather and talk about this bill and Secretary Herman was there, and she has played a role in getting this done.

The problem was brought to us from where it should come, and that is the workers. Workers were being told that because of the labor laws, their employers may have to stop giving them stock options.

That is an important factor because stock options are seen as a way for people throughout this country, workers throughout this country, to own a share of the company. The better the company does, the better they do. It is a way that from their job, and the risk they take having that job, employees get to benefit from the productivity and returns they put into the business.

And, boy, some of these businesses are really doing well; millionaires are being created overnight—and we want hourly workers to be able to take advantage of those stock options.

A little flaw, because of the amount of time that has gone by since fair labor standards passed, said you will have to do some calculating so the value of that stock option shows up as a direct payment.

Nobody really knows what the value of those stock options are, particularly at the time they receive them. They do know sometime down the road, when they take advantage of them, and probably even further down the road when they actually get to sell them, but there is a huge change, hopefully, in the value of that stock between the time it is awarded to them and the time there is some value to it. So how do you calculate that back in years, to the time they received it, to calculate it into overtime? The difficulty of calculating it led the companies to say: We can't figure out a formula for doing it. The Department has a formula for doing it, but we can't possibly process that through so we can avoid court action. So what we are going to do is we are going to end stock options. That is when the workers said to Congress: Solve this problem for us.

That is what brings everybody together for a solution, the people at the far end asking that they be allowed to continue participating in the prosperity of this country. That is what has happened in this instance. We are here today because the workplace has changed for the better, but the labor statutes have not. Many employers now give stock options, not only to the executives and the managers, they give it to secretaries, factory workers, janitors, mailroom clerks—everybody. Those are the hourly employees who provide the critical support on which a company's success is built.

I am proud of those employers who give stock options to those employees. They recognize the value of giving workers a stake in the company's business. They are leading the charge to move workplaces into a new, modern era of better employer-employee relations. In fact, the line is dimming on who is the employer and who is the employee.

Unfortunately, the decades-old Fair Labor Standards Act has not kept pace. This statute, drafted during a very different time in the history of the American workplace, threatened to prevent employers from giving hourly employees stock options. S. 2323 removes this threat and ensures that companies can continue to give stock options to hourly employees so they can share in the success of their employer and this country's economic growth.

This legislation takes an important step toward bringing an outdated labor statute up to date with the modern workplace. I am very concerned there are many other examples of problems such as the one we are solving today, examples of other obsolete restrictions in the 30- to 60-year-old labor statutes that are stifling the development of the new creative ways to benefit employees, such as the stock options program and telecommuting arrangements. We should be encouraging these advances in employer-employee relations, not stifling them. By passing this Worker Economic Opportunity Act we can provide encouragement. I hope we can continue to look for ways to solve similar problems.

I am particularly pleased the Department of Labor has worked with us in this bipartisan group. As chairman of the Employment, Safety and Training Subcommittee, I firmly believe cooperation between lawmakers and agency is the best way to develop practical solutions that benefit both the employees and the businesses.

I want to mention we have been doing that for about 2 years now. We passed the first changes in OSHA in 27 years, a year and a half ago; little incremental changes that will make a difference to the workers, that will make the workplace safer. That is what we are trying to do.

Recently we worked together on home inspections. OSHA, through a letter, had suggested they were going to go into the homes and check and see how telecommuters were operating. Home is the least safe place there is. It worried a lot of companies about how they were going to do the inspections without imposing on the privacy of their employees. Employees were worried about companies coming into their homes. The Department and OSHA and Congress saw the error of that. The Department withdrew the letter. Both OSHA and congress agreed that OSHA should not be a threat to people working in their home offices. People who work in their homes really enjoy doing that. There are a lot of benefits to them, many of which people who work in the District would understand because of the parking and the traffic problems. I was very pleased that the agency and congress agreed on this.

Last week we had agreement on a funding proposal, a sense-of-the-Senate proposal that would have been on the budget agreement except for a parliamentary move that was done at the last moment. But there was agreement on both sides that there needs to be not only enforcement of OSHA—which does get attention—but justification by OSHA of how it is reducing workplace illnesses and injuries and a discussion of the value of compliance assistance activities, which are extremely important.

There are 12,000 pages of OSHA regulations. It is difficult for a small businessman to make it through that many pages of that kind of rhetoric. So we have been trying to make it more incentive-based, so the agency would participate more in telling them what they need to do instead of beating them over the head for what they did not do. We think, with a more cooperative program, there will be more safety in the workplace; that employers will not live in fear of OSHA, but rather in anticipation of help from OSHA and an understanding of the way they can keep their employees safe.

Those are a few of the things we are working together on to have a better workplace. This legislation is a key piece and a key beginning to a number of changes we can make to affect the workers of this country. I look forward to working together on similar measures in the future as we move toward the shared goal of better matching our Federal laws to the needs of the modern workplace.

I yield the floor.

Mr. JEFFORDS. Mr. President, I commend the Senator from Wyoming for his work not only on this bill but on the other legislation he discussed. I also commend him for his help in the review of existing labor laws. The Senator understands the import of bringing our labor laws in line with the needs into the 21st Century. I depend upon him, and he produces.

Mr. ABRAHAM. Mr. President, I rise today to express my support for the Worker Economic Opportunity Act. This bipartisan legislation, also supported by the Department of Labor, will encourage employers to provide stock options to all employees, not just executives, ensuring that all of our workers will continue to have the opportunity for an ownership stake in their company.

In recent years, there have been revolutionary changes in the workplace, creating new opportunities for our working families—opportunities, which for a long time, frequently existed only for a select privileged few. One of the most positive developments has been the significant increase in the availability of stock option plans for workers, specifically hourly workers.

The decades-old employment laws do not accommodate newer workplace innovations and their application would unfairly punish hourly workers by making their stock-option programs disproportionately expensive and complex for employers. Subsequently, recent Department of Labor legal interpretations and policies have threatened the availability of stock option plans for hourly employees.

Mr. President, it is imperative that Congress send a clear message that the positive developments taking hold around the country should be encouraged, not thwarted.

The Worker Economic Opportunity Act would send just a message, ensuring that all employees will continue to have the opportunity to share in the economic growth and success of their company formerly enjoyed only by corporate executives. Moreover, companies, especially smaller companies with high capital costs in development, will be able to maintain the capital resources necessary to compete in the rapid evolving global economy and, at the same time, reward and retain highly qualified and valued employees.

Finally, Mr. President, I would like to take a moment to thank Senator MCCONNELL for his work and dedication toward this legislation and the Department of Labor for recognizing the need to accommodate today's employee and workplace innovations.

I yield the floor.

Ms. COLLINS. Mr. President, I rise today to express my strong support for S. 2323, the Worker Economic Opportunity Act. I am pleased to be a cosponsor of this legislation, which has broad bipartisan support in both the Senate and the House of Representatives.

In recent years, we have seen substantial growth in the use of employee equity programs such as stock options, stock appreciation rights, and employee stock purchase plans. This growth has not only been in the number of companies which offer such plans, but also in the employees to whom such plans are available. While long used as a form of incentive for corporate executives, equity programs are now available to more employees than ever. In fact, a 1998 survey by Hewitt Associates found that in excess of two-thirds of large U.S. companies offered stock options to non-executive employees, and more than a quarter of these companies make such plans available to their entire workforce.

Unfortunately, the Fair Labor Standards Act, which was enacted in 1938, does not recognize the importance of stock options as an employee benefit. Thus, when asked how to deal with stock options when calculating overtime pay for hourly-wage employees, the Department of Labor ruled that the options would have to be included in the calculations.

The end result of this decision left employers with two options: One, go through the burdensome task of recalculating an employee's regular pay rate, retroactively, based on the change in the value of the stock from the time the option was granted until it was exercised; or, two, do not offer any form of equity program to any employee who is not exempt from the Fair Labor Standards Act.

Since complying with the Department of Labor's onerous ruling would not likely be worth the benefit of offering an equity plan, the vast majority of companies would be left to face option two, thus eliminating the use of a benefit that is popular with both employers and employees.

Recognizing the need to remedy this matter, for the good of companies and workers alike, a bipartisan group of legislators worked to craft the bill we have before us today, the Worker Economic Opportunity Act. This legislation would exempt employee equity programs from the overtime requirements of the Fair Labor Standards Act, just as profit sharing and holiday bonus plans are exempted. In addition, the bill protects employers who offered employee equity programs prior to the date this legislation is enacted.

This legislation will allow employers to offer the kind of benefits which will allow them to attract a quality workforce, while providing employees with a benefit they truly want. It is all too rare for Congress to come up with a win-win solution to a problem, but in this case we certainly have.

Mr. President, I urge my colleagues to support this important legislation.

Mr. KENNEDY. Mr. President, since its enactment in 1938, the Fair Labor Standards Act has played a fundamental role in ensuring a fairer standard of living for all American workers. The act created basic rights for workers by establishing a federal minimum wage, a 40 hour work week and overtime pay for additional hours. It also protects children from abusive working conditions and helps ensure that women and men receive equal pay. Throughout its existence, the act has been indispensable in improving the standard of living for vast numbers of Americans.

The Department of Labor has effectively carried out its responsibility to interpret the law with this purpose in mind. Given the high value of the act in protecting workers' rights to a fair workplace, Congress must remain vigilant to ensure that any changes in this important law do not undermine the wage and hour protections guaranteed to workers under the act.

I support the current bill because it helps ensure that employers cannot misuse the act as an excuse to exclude rank and file workers from the stock option plans, stock appreciation rights, and stock purchase plans they provide to higher paid employees.

I commend Senator DODD, Senator JEFFORDS, Senator ENZI, and Senator MCCONNELL for developing this narrow, but important, clarification of the act. It is a needed modernization of the law, and it arose from unique circumstances. I am confident that the Secretary of Labor will promulgate regulations interpreting this bill in a way that protects the fundamental right of workers to receive overtime pay and not be forced to work overtime to participate in stock plans. It is of the utmost importance that any change in the act serves to strengthen the protections for workers, not weaken them.

Ms. SNOWE. Mr. President, I rise today to express my support for the Worker Economic Employment Opportunity Act. Mr. President, every time we turn around it seems that we hear about how strong our nation's economy is right now—and how America's workers are daily facing new-found employment opportunities. We are in a period of almost unprecedented prosperity and sustained economic growth. And the bill we are voting on today is a direct consequence of that growth.

It wasn't long ago that benefits such as stock options were available only to the upper levels of management. Companies are now offering stock options as a way not only to attract, but to retain quality employees at all levels. This is a way of providing fairness to our nations workers—the ones who manage the daily ins-and-outs of the business, the ones who have quite literally built today's economy.

S. 2323 will clarify that providing stock options will not be counted toward overtime pay for hourly employees. The vitality of our economy is a tribute to the hard work and creativity of these workers. Accordingly, it is unacceptable that the Fair Labor Standards Act would be interpreted in a manner that would effectively preclude the offering of this valuable benefit to hourly employees who form the backbone of American business.

The Fair Labor Standards Act already exempts some employee benefits such as discretionary bonuses, health insurance, and retirement savings plans from overtime calculations. We do this to encourage employers to provide these critically needed benefits and incentives for their employees—stock options should be no different.

We should not hinder the ability of our nation's workers to participate in the economic success of the companies they are helping to building. If employers choose to offer profit-sharing options, they should not be penalized when calculating over-time wages.

Mr. President, I support this critical clarification of the Fair Labor Standards Act and I urge my colleagues to vote for the bill. Thank you, Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I rise today to support Senator MCCONNELL's stock options legislation, S. 2323, and commend him for his hard work on this issue. This legislation allows companies who currently offer non-salaried employees a stock options program to continue to incentivize their work force without the threat of sanctions of the U.S. Department of Labor.

This is an easy one to support. The United States is unique in the world with regard to how our stock options and the wealth generated in our companies are shared with those who significantly participate in their creation. As in most of the rest of the world, it used to be that only our top executives received stock options from their companies. Today, many high tech companies offer stock options to all of their employees, from the clerk to the CEO. Particularly with regard to an individual's retirement needs, stock options are a tremendous financial opportunity for all workers and their families. We must do everything in our power to preserve these positive wealth- and risk-sharing developments in our economy.

Employees at every level should be allowed to reap the rewards of the success of their company. All throughout the United States, it has become common place for employees to quit their job and go to work for progressive companies who allow them to share in the wealth that their corporations generate. I hear repeatedly from industrial companies whose compensation structure is often very different, that they are losing their most talented and valuable employees to these new, often high-tech, corporations. And Mr. President, that kind of competition for employees benefits all Americans and it's a positive development.

The Department of Labor's ill-considered advisory opinion, threatened this development, and would have resulted in the cessation of often generous stock option plans for non-managerial and non-professional employees in many of America's most progressive corporations. It is critical that we recognize the importance of these wealth- and risk-sharing developments to the health of the American economy and carefully weigh each new regulation, interpretation, and law before we rashly risk the financial health and well-being of the hard-working families who have everything to do with the level of productivity our economy enjoys.

Mr. LEVIN. Mr. President, I will vote in favor of the Worker Economic Opportunity Act, S. 2323. Stock options have traditionally been distributed only to highly salaried executives, used as an incentive to promote hard work on behalf of the company. As a company's bottom line improves due in part to the executive's efforts, the value of the company's stock increases, eventually rewarding the executive when he or she ultimately exercises the option and later sells the stock. I have long maintained that stock options ought be provided to all types of employee—whether hourly or salaried, management or clerica—and not just the top brass. That is why I introduced the Ending the Double Standards for Stock Options Act last Congress, which would have encouraged corporations to adopt plans in which a minimum of 50% of all options would go to non-management employees. After all, a company's success depends on the efforts of more than just its executives.

I am hopeful that the Worker Economic Opportunity Act will encourage the growth of broad-based employee stock option plans in corporate America. The Act excludes stock options from overtime pay calculations for hourly employees. Current law also excludes benefits like discretionary bonuses, employer-provided health insurance, and retirement benefits from overtime pay rates. But current law doesn't address stock options. Last year, the Department of Labor indicated that, without action by Congress, companies would likely have to include the value of stock options when figuring an hourly employee's overtime pay rate. Corporate America has argued that the administrative and financial burdens associated with such inclusion, given a huge number of different employees having different amounts of options with different exercise dates and strike prices, outweigh the benefits of having a broad-based stock option plan.

This legislation is not inconsistent with my proposal to require the reporting of stock options as an expense on a company's financial statements, a key part of the Ending the Double Standards for Stock Options Act. Therefore, I support the Worker Economic Opportunity Act to remove a potential barrier to workers' participation in the prosperous American economy they helped create.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that for the next 5 minutes the time be held open, and then at 2:05 p.m. I will yield back all the time on the measure, and I ask unanimous consent that there be a period for morning business from 2:05 p.m. until 2:30 p.m., with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. 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. JEFFORDS. Mr. President, what is the order of business?

The PRESIDING OFFICER. Before the Senate is S. 2323.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the passage of the bill.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Maine (Ms. SNOWE) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mr. MOYNIHAN), the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—95

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Allard	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Fitzgerald	McCain
Bayh	Frist	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bunning	Hatch	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Schumer
Campbell	Hutchinson	Sessions
Chafee, L.	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Specter
Conrad	Johnson	Stevens
Coverdell	Kennedy	Thomas
Craig	Kerrey	Thompson
Crapo	Kohl	Thurmond
Daschle	Kyl	Torricelli
DeWine	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	

NOT VOTING—5

Kerry	Rockefeller	Snowe
Moynihan	Roth	

The bill (S. 2323) was passed, as follows:

S. 2323

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 ''Worker Economic Opportunity Act''.

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) EXCLUSION FROM REGULAR RATE.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

''(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee's participation in the program or at the time of the grant;

''(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee's death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

''(C) exercise of any grant or right is voluntary; and

''(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

''(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

''(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract.''.

(b) EXTRA COMPENSATION.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking ''Extra'' and inserting the following:

''(2) Extra''; and

(2) by inserting after the subsection designation the following:

''(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) LIABILITY OF EMPLOYERS.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

Mr. LOTT. I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had hoped we would be able to announce a unanimous consent agreement at this time as to how we will proceed on eliminating the marriage tax penalty and what amendments would be in order and how much time. I have now received a list of amendments from Senator DASCHLE, but we have had only a couple of minutes to review that. We need a little time. I understand several of the amendments actually have been filed. There may be one or two on which we don't actually have access to an amendment. For instance, Senator TORRICELLI may have an amendment prepared and we would like to get a copy of the amendment. We would like to have a little time to review the list and the substance of these amendments. We have agreed we should go forward with general debate while we do that.

I ask consent the Senate resume the pending legislation for debate, equally divided, until the majority leader is recognized at 4:30 this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Resumed

Pending:

Lott (for Roth) amendment No. 3090, in the nature of a substitute.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I yield 10 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I know the majority leader is looking over amendments that Members on this side of the aisle want the opportunity to offer to the bill on the marriage tax penalty. I certainly hope the majority leader will be able to accommodate us. After all, if we were using the regular rules of the Senate, we could offer any and all amendments; that is, the rules of the Senate provide Members can, in fact, offer amendments on bills that come before the Senate.

The Senator from Montana, who has done so much work on this marriage tax penalty issue, and I were talking about how much the procedure around here is like the House of Representatives with tremendously restricted opportunities for debate and restricted opportunities to offer amendments. We are working very hard, on our side of the aisle, to fight for the right merely to put matters before the Senate. We may not win every time, but the fact is we are here for a reason and that is to legislate; it is to bring these matters before the American people in this forum called the Senate.

The bill purports to take care of the marriage tax penalty, but I have big news for everyone: It does not take care of the marriage tax penalty. Why do I say this? I get this directly from Senator MOYNIHAN's work on this issue as the ranking member of the Finance Committee. We know there are 65 marriage tax penalties in the code for all taxpayers—65.

So if you really believe the marriage tax penalty is your biggest priority and that is all you want to do, that it is the most important thing as you look at the Tax Code—and, frankly, from my point of view, it is not the only thing I want to do and there are more important things we can do to help the middle class in this country—the most honest thing to do is repeal the penalty in these 65 occasions in which it appears in the Tax Code.

However, the GOP plan fully eliminates only 1 of these penalties, partially eliminates 2 others, and it leaves 62 marriage penalties in the code.

We have a situation where we are told we can do away with the marriage tax penalty, but when we look at the fine print, we are not doing away with the marriage tax penalty at all. We are only doing it in one place, completely, where it appears, and partially in another couple. And we are leaving 62 penalties in place.

So I do not really think this is a good way for us to proceed because it is so expensive and we have not taken care of the marriage tax penalty. It is another one of these risky tax schemes that is going to come back to haunt us because it is going to rob us of debt reduction.

When you add it to all the tax bills that have already passed the Senate with majority support from the Republicans, it is breaking the back of the non-Social Security surplus. We will have no surplus. Pretty soon, we are going to start eating into that surplus.

We are going to hear Senator BAUCUS talk about why he believes this plan is flawed. It actually hurts some people at the lower end of the scale. It does not do what it purports to do.

We are going to hear from Senator BAYH, who has another idea that is certainly more affordable and would allow us to do other things we need to do for our people, such as the prescription drug benefit.

We now know for sure that our people are suffering because they cannot afford prescription drugs. If we listen to Senator WYDEN, who has spoken on this eloquently, we know our senior citizens are not taking their prescription drugs. They are cutting their pills in half. They risk getting strokes. They risk getting heart attacks. They cannot afford the prescription drugs.

While we are talking about a marriage tax penalty—and a lot of relief goes to people who are earning a lot of money in this country—what about the prescription drug benefit? What about a tuition tax break for parents who are struggling to send their kids to college and college tuition goes up each and every year?

We cannot do these things in a vacuum. We have to look at the entire picture. We have to ask ourselves: Do we want to give tax breaks or do we want all the money to go to debt reduction? I myself would like to give targeted tax breaks that we can afford to the middle class, who needs them, and use the rest of the money for debt reduction and for investments in our people, in our children.

In closing, there is something we can really do for married people here, those at the lowest incomes who are working at the minimum wage, more than 60 percent of whom are women. Raising the minimum wage would go a long way to doing something good for people who are married and in the low brackets. A tuition tax break for people who send their kids to college would go a long way to helping married people and their families. A prescription drug benefit would help those families who are seeing their moms and dads struggling along, not being able to afford prescription drugs.

So the question we face, just to sum it up as we look at this Republican plan, is this: Why would we do something that says it is relieving the marriage tax penalty when it leaves 62 marriage tax penalties in place? Why would we do that? It is not real. We are telling people we are doing something we are not doing. We are backloading it. We are breaking the Treasury. We are eating into the non-Social Security surplus. Why would we do that?

Why not look at a more modest plan? We have some ideas on that. We are going to hear about one of them today. Why don't we look at raising the minimum wage? Why don't we look at the prescription drug benefit or the tuition tax break for our families who are struggling to send their kids to college? Why don't we look at this economic recovery and together, both sides of the aisle, say we do not want to derail it by doing these tax breaks, one after the other after the other after the other. They are adding up to hundreds of billions of dollars.

If our President were not so strong in saying let's keep this country on a fiscally sound basis, we would be in a lot of trouble, if those bills had been signed.

I asked of the Senator from Montana yesterday—I was talking to his staff—how many tax bills have already gone through here with the votes of the other side of the aisle. I think his staff told me it was about $500 billion at this point, $500 billion of tax breaks—by the way, most of them to people who do not want them, who do not need them, who are asking us to keep the economy strong, reduce the debt, and do targeted tax breaks for the people who really need them.

I hope the majority leader will accept these amendments we have come up with, allow us to debate as Senators, not turn us into the House of Representatives which gives its Members very few rights to offer amendments. I hope we will reject this Republican plan because it does not do what it says it does. It is fiscally irresponsible, and it stops us from doing the good things we need to do for our families.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 7 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support legislation which would provide tax relief to the working families who are currently paying a marriage penalty. Such a penalty is unfair and should be eliminated. However, I do not support the proposal the Republicans have brought to the floor.

While its sponsors claim the purpose of the bill is to provide a marriage penalty relief, that is not its real purpose. In fact, only 42 percent of the tax benefits contained in the legislation go to couples currently subject to a marriage penalty. The majority of the tax benefits would actually go to couples who are already receiving a marriage bonus and to single taxpayers. As a result, the cost of the legislation is highly inflated. It would cost $248 billion over the next 10 years.

As with most Republican tax breaks, the overwhelming majority of the tax benefits would go to the wealthiest taxpayers. This bill is designed to give more than 78 percent of the total tax savings to the wealthiest 20 percent of the taxpayers. It is, in reality, the latest ploy in the Republican scheme to spend the entire surplus on tax cuts which would disproportionately benefit the richest taxpayers. That is not what the American people mean when they ask for relief from the marriage penalty. With this bill, the Republicans have deliberately distorted the legitimate concerns of married couples for tax fairness.

All married couples do not pay a marriage penalty. In fact, a larger percentage of couples receive a marriage bonus than pay a marriage penalty. The only couples who pay a penalty are those families in which both spouses work and have relatively equivalent incomes. They deserve relief from this inequity, and they deserve it now.

We can provide relief to the overwhelming majority of the couples simply and at a modest cost. That is what the Senate should do. Instead, the Republicans have insisted on greatly inflating the cost of the bill by adding extraneous tax breaks primarily benefiting the wealthiest taxpayers.

A plan that would eliminate the marriage penalty for the overwhelming majority of married couples could easily be designed and cost less than $100 billion over 10 years. The House Democrats offered such a plan when they debated this issue in February. The amendment which Senator BAYH intends to offer to this bill would also accomplish that goal. If the real purpose of the legislation is to eliminate the marriage penalty for those working families who actually pay a penalty under current law, it can be accomplished at a reasonable cost.

The problem we have consistently faced is that our Republican colleagues insist on using marriage penalty relief as a subterfuge to enact large tax breaks unrelated to relieving the marriage penalty and heavily weighted to the wealthiest taxpayers. The House Republicans put forward a bill which would cost $182 billion over 10 years and give less than half the tax benefits to people who pay a marriage penalty. That was not enough for the Senate Republicans. They raised the cost to $248 billion over 10 years. A substantial majority, 58 percent of the tax breaks in the Senate bill, would go to taxpayers who do not pay a marriage penalty.

Nor is this the only tax bill the Republicans have brought to the floor this year. They attached tax cuts to the minimum wage bill in the House of close to $123 billion and tax cuts to the bankruptcy bill in the Senate of almost $100 billion. They have sought to pass tax cuts of $23 billion to subsidize private school tuition and reduce the inheritance tax paid by multimillionaires. Not including the cost of this bill, the Republicans in the House and Senate have already passed tax cuts that would consume $443 billion over the next 10 years. The result of this tax cut frenzy is to crowd out necessary spending on the priorities which the American people care most about—education, prescription drugs for senior citizens, health care for uninsured families, strengthening Medicare and Social Security for future generations.

Finally, I want to bring another matter to the attention of the Senate. It is another marriage penalty, and that is, there are 13 States—which represent 22 percent of the American people—that have laws saying when one gets married, they lose the coverage under Medicaid they might otherwise have if they were single. For example, in the State of Maine, one is eligible as a single person for Medicaid up to $14,000, but if it is a couple, each earning $7,000 so the family income is $14,000, neither of them gets Medicaid coverage. That is true in 13 States.

If we are going to take a look at the marriage penalty for the wealthier individuals in this country, what about the marriage penalty for some of the working poor who are trying to make ends meet? That is an issue I hope to have an opportunity to debate when we get into a discussion of the proposal put forward by the Democratic leader.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak for up to 15 minutes on an unrelated topic.

Mr. BAUCUS. Mr. President, we are now on the marriage penalty bill. I suggest to the Senator, since there are no other Members on the floor, he can take time off the majority side on the pending measure.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HUTCHINSON. Mr. President, since this is coming off our time on the marriage tax penalty bill, I commend Senator HUTCHISON and all those who have worked so diligently on both sides of the aisle and in the House of Representatives to provide relief on this onerous and perverse provision in our Tax Code that puts the institution of marriage in a disadvantageous position and costs American families thousands of dollars each year. It is something that should have been eliminated long ago.

I look forward to supporting the Marriage Penalty Relief Act. I hope there will be an overwhelming vote in the Senate for this bill.

MILITARY RECRUITER ACCESS ENHANCEMENT ACT OF 2000

Mr. HUTCHINSON. Mr. President, I rise today to speak in favor of S. 2397, the Military Recruiter Access Enhancement Act of 2000. This bill is designed to assist armed services recruiters in gaining access to secondary schools and school student directory information for military recruiting purposes.

The matter of recruiting and retaining military personnel of the highest quality and in the quantity needed to maintain the optimal personnel strength of our armed services has been a topic of great interest to myself and my colleagues on the Senate Armed Services Personnel Subcommittee.

I have heard detailed testimony in hearings this year from top Department of Defense manpower officials and actual military recruiters—those on the front lines doing the recruiting—regarding the challenges of contacting and informing young people today about the benefits of a career in the military. As I have contemplated the detailed testimony received on the subject, it is clear there are several factors combining to make the tough job of recruiting young people for military service even tougher.

We found the following: The combined effects of the strongest economy in 40 years, the lowest unemployment rate since the establishment of an all-volunteer force, and a declining propensity on the part of America's youth to serve in the military make the recruitment of persons for the Armed Forces unusually challenging in the economic climate in which we exist.

For the recruitment of high quality men and women, each of the Armed Forces face intense competition from the other branches of the Armed Forces. They face competition from the private sector, and they face competition from postsecondary educational institutions recruiting young people as well.

It is becoming increasingly difficult for the Armed Forces to meet their respective recruiting goals. Despite a variety of innovative approaches taken by recruiters and the extensive programs of benefits that are available for recruits, recruiters have to devote extraordinary time and effort to fill monthly requirements for immediate accessions.

Unfortunately—and this is, I think, dismaying and surprising to most Americans—a number of high schools, thousands of high schools, have denied recruiters for the Armed Forces access to the students or to the student directory information of those high schools.

In 1999, there were 4,515 instances of denial of access to the Army. There were an additional 4,364 instances in the case of the Navy, 4,884 instances in the case of the Marine Corps, and 5,465 instances of denial of access to Air Force recruiters. In total, there were over 600 high schools across this country that denied access to at least three branches of the services, the largest of those school districts is San Diego, CA.

As of the beginning of 2000, nearly one-fourth of all high schools nationwide did not release student directory information to Armed Forces recruiters.

In testimony presented to the Committee on Armed Services of the Senate, recruiters of the Armed Forces stated that the single biggest obstacle to carrying out their recruiting mission is the denial of access to directory information about students, for a directory listing of high school students is the recruiter's basic tool. When directory information is not provided by schools, recruiters must spend valuable time, otherwise available for pursuing recruiting contacts, to construct a list from school yearbooks and other sources. This dramatically reduces both the number of students each recruiter can reach and the time available communicating with the students that the recruiters can eventually locate.

The denial of direct access to students and denial of access to directory information unfairly hurts America's young people.

High schools that deny access to military recruiters prevent students from receiving all of the information on the educational and training incentives offered by the Armed Forces, thus impairing the career decisionmaking process of students by limiting the availability of complete information on what options they have before them.

The denial of access for Armed Forces recruiters to students or to directory information ultimately undermines our national defense by making it harder for our Armed Forces to recruit young Americans in the quantity and of the quality necessary for maintaining the readiness of the Armed Forces to provide national defense.

The bill I have introduced legislates a series of formal steps to be taken with secondary schools that deny access to students or student directory information to recruiters.

Step 1: The Department of Defense will be required to send a general officer or flag officer to visit the local education agency to arrange for recruiting access within 120 days following a report of access denial.

Should a school say, no, we are not going to let military recruiters access, the first step is, negotiations. They would try to work this out. You would have a flag officer, or a general officer, who would go to the school, visit with the superintendent, the principal, the counselors, and find out what the problem is.

Step 2: Should access still be denied, within 60 days of the visit in step 1, the Secretary of Defense must then notify the State's chief executive—presumably the Governor—of the denial and request his or her assistance. A copy of this request is also sent to the Secretary of Education.

Step 3: If access for recruiters is still not achieved a year after the Governor has been notified—a full 18 months since the initial discovery that they are denying access—and if it is found that the school in question denies access for two or more of the Armed Services, that school will be placed on a list maintained by the Department of Defense and will be denied Federal funds until such time as recruiter access is restored.

People may say that is having a heavy hand. May I say, there is no school in America that ought to ever lose Federal funding under this law because no school should ever have to deny access to military recruiters. There is an ample amount of time—a full 18 months—for negotiations, discussion, in bringing in the Governor of the State, to try the reconcile whatever problems there might be.

I think the importance of this bill cannot be overstated. We have an obligation to provide an environment for our recruiters that, at the very least, places them on a level playing field with the recruiters of colleges and universities and with representatives from private industry.

Today, the recruiting of high school students actually starts in junior high school for colleges, for universities, and even for private-sector jobs. To say a recruiter cannot have contact until that student is out of high school puts them at an incredible disadvantage.

While DOD has had the ability to withhold Federal funding from colleges and universities which denied access to military recruiters, there has not been any significant recourse available at the secondary school level.

In some cases, a few select administrators can make decisions about recruiter access based on their own personal bias or lack of familiarity with the positive aspects of military service. These ''gatekeepers'' effectively block information from students by denying access to recruiters. These nonaccess policies may actually exist when the community at large in the school's area is very much supportive of the Armed Forces and recruiting efforts.

We must work collectively as a nation to keep our military ''connected'' with the people they serve. The concept of an all-volunteer force will only continue to be successful when the compensatory benefit package we offer young people is competitive and the career information on current educational and financial incentives is readily available to potential recruits.

There are those who are understandably concerned about maintaining the privacy of personal contact information. It is ironic, however, that student directory information is often shared by high schools with cap and gown companies, college recruiters, and private industry representatives, but denied to Armed Forces recruiters. We must take active steps to eliminate that sort of bias, whether intended or not, and reestablish an equal footing for our Armed Forces recruiters with other groups seeking to contact students. We must remember that recruiters represent the primary tool of not only the Department of Defense but Congress, as well, in fulfilling our constitutional requirements to raise and maintain an army, the Armed Forces.

There is no doubt in my mind that the recruiting professionals in all branches of our Armed Forces are top-notch role models, fully capable of succeeding in their respective recruiting missions, but they need to have a supportive and conducive contact environment.

This bill will provide school officials of institutions currently restricting access to recruiters with additional incentive to improve or restore that access.

This bill will bring attention locally and nationally to the problems of access restriction to Armed Forces recruiters.

This bill sends a clear signal to DOD leaders and to the people of our country that we recognize the problem recruiters face in supporting the concept of our all-volunteer force.

This bill provides a reasonable and calculated approach to improving access with a phased escalation in the negative consequences for schools insisting upon perpetuating nonaccess policies. It is nonantagonistic, it is nonconfrontational, but it is firm.

This bill does not attempt to dictate local practices from Washington, as some may charge. This bill merely requires schools to provide—and I quote from the bill's language—

> . . . the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.

We are just simply saying: Make the playing field level. If you are going to deny access to Army recruiters, Air Force recruiters, Marine recruiters, Navy recruiters, then we expect the same denial would be applied across the board to private industry recruiters and to colleges and universities. If you are going to provide access to private industry and to colleges and universities, likewise, that access must be provided under this legislation to those seeking to recruit for our Armed Forces.

The size of our Armed Forces has decreased significantly over the past decade. The number of veterans is decreasing daily. Fewer and fewer young people today have a close relative or friend with military service experience. We have in the Congress a corporate responsibility to make an extra effort to invite young men and women to bring their talent into the service of their country and to take advantage of the outstanding educational and training benefits currently available. Few occupations offer the patriotic satisfaction of military service.

A healthy all-volunteer force does not just happen. When I asked recruiters appearing before a recent Personnel Subcommittee hearing what Congress could do to help them bring the best and brightest into today's military, of course they responded that educational benefits would help, they responded that health care benefits would help, they responded that improving housing would help. But equally important was their request for help in convincing parents and educators that enlisting their children and students was ''not the last choice'' but a first choice, and to help them gain access to students on school grounds and access to student directory information.

In response to the DOD request for assistance, I would like to respond in two ways:

First, by inviting all of my colleagues in the Senate, regardless of where they hail from, to join with me in pledging to visit one or more high schools in their home States this year and to promote military service as an attractive career opportunity while addressing students and facility members. This is one positive step we can all take to demonstrate our support for a healthy Armed Forces recruiting process.

Secondly, I urge my colleagues to support this bill, the Military Recruiter Access Enhancement Act of 2000, in an enthusiastic and bipartisan fashion. We want and need the brightest and the best to serve in our Armed Forces. I cannot help but think of the many outstanding citizens in all walks of life, indeed, including many of my esteemed colleagues right here in the Senate, who began their adult lives with service to our Nation in one of the branches of the Armed Services. We owe it to the recruiters of our services to do all we can to help them succeed in their tireless efforts to bring in quality men and women for the defense of our country.

Mr. President, I thank you for your indulgence and thank the Senator from Texas for her willingness to yield to me this time and for her tireless efforts on behalf of tax relief for the families in this country.

I yield the floor.

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MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. BAYH. Mr. President, I rise to speak on behalf of the Targeted Marriage Penalty Relief Act of 2000. I do so because I believe it affords us the best opportunity to deal with this problem in a way that will relieve this penalty from the vast majority of Americans.

Approximately 80 percent of the Americans who currently pay the marriage tax penalty would have their penalty eliminated entirely under our approach.

Secondly, I favor this approach because it allows us to deal with this problem in the most affordable manner, also giving us the freedom to address other important issues that have faced our great country. I support the Targeted Marriage Penalty Relief Act of 2000 because it strikes the right balance between fiscal responsibility and a socially progressive policy, which I think is best for our country.

I support relief of the marriage tax penalty for several important reasons. First, as a matter of basic justice. It is not right that two individuals should pay more in taxes simply because they are married. When our Tax Code falls into ridicule, compliance drops and the Government, as a whole, falls into disrepute. We should not allow this to happen. We can take an important step to preventing this from happening by dealing with the marriage penalty problem.

Secondly, I support marriage tax penalty relief as a matter of social policy. Marriages and families are the basic building blocks on which our society is built. Too many marriages today end in disillusion. Too many families today are fractured because of the strains they face, often financial strains. If we can take action to strengthen families and marriages, to provide a sound and secure environment in which children can be raised, it is better for our country in a whole host of important ways.

I support the marriage tax relief provisions I speak to today as a matter of economic policy. During prosperous times when we enjoy surplus, it is only right that we share some of that hard-earned benefit with those who have generated it in the first place: the taxpayers of our country.

All of this is not to say we can afford just any approach to resolving the marriage penalty situation. We have to get it right. We have to do it in a way that is affordable and balanced with the other needs our country faces. This cannot be said of all the approaches currently before this body. Some of the approaches are poorly targeted, more than we can afford and, in fact, do not deserve the title of marriage tax penalty relief at all.

I admire the work done by the Democrats on the Senate Finance Committee; in particular, the leadership of the ranking member, Senator MOYNIHAN, and Senator BAUCUS. Their approach is truly targeted to ending the marriage tax penalty problem. It is intellectually elegant, and I appreciate the work they have done in this regard. We have several practical issues we are working through, but their approach truly deserves the title ''marriage tax penalty relief.''

The same cannot be said of the approach taken by the majority. Their approach claims to be a marriage tax penalty reduction bill but, as has been alluded to by several other speakers, more than half of the benefits go to those who do not have a marriage tax penalty at all. Many things can be said about this proposal. Calling it a marriage tax penalty bill is not one of them.

Secondly, it is too slow. It is phased in over a 7-year period. Why should we wait so long to give this important relief to the taxpayers of America? If it is truly a pressing problem, surely we can afford to act much sooner than that.

Third, it is regressive in nature. More than half of the benefits under the approach taken by the majority go to those earning more than $100,000 a year.

I have no trouble with the wealthy in our society. In fact, I wish we had more wealthy in the United States of America. But at a time when we have to make difficult decisions and allocate scarce resources among competing priorities, I think relief of the marriage tax penalty needs to be more squarely focused upon the middle class, an approach not taken by the majority.

Finally, and most significant of all, is the issue of affordability. The approach taken by the majority would use fully $248 billion over the next 10 years to solve this problem, severely limiting our ability to deal with other pressing matters that face our country.

If you care about a drug benefit for Medicare, not only is the majority position silent about your concerns, it in fact limits our ability to do something about your concerns. If you care about making college more affordable by including a college tax deduction or credit to lower the cost of college, not only does the majority position do nothing to address your concerns, in fact it makes addressing your concerns and reducing the burden of the college expense on working families more difficult to accomplish. If you care about caring for the elderly, a sick parent or grandparent, not only is the majority approach silent about your concerns, it in fact makes it more difficult to deal with this important and pressing matter. If you care about debt relief or about education reform, not only is the majority position silent about your concerns, it in fact makes it more difficult to consider.

Fortunately, there is another alternative, one that is targeted, one that is immediate, one that is progressive, and one that is affordable. The approach I speak to today, as the approach taken by the Democrats in the Senate Finance Committee, is a true marriage tax penalty relief bill. No one who does not currently pay a marriage tax penalty will be eligible for a tax cut under this provision. It helps those who have the problem get relief, which is the way it should be.

Secondly, the relief is immediate. In the first year of this approach, fully 51 percent of Americans who pay a marriage tax penalty will have their marriage tax penalty eliminated entirely. After 4 years, when this approach is fully implemented, more than 80 percent of the American people, everyone making under $120,000 a year, will have their marriage tax penalty fully eliminated—100-percent elimination of the marriage tax penalty for everyone making $120,000 a year in just 4 years, not the 7 proposed by the majority.

Third, this approach is progressive. Everyone making under $120,000 will have the marriage tax penalty eliminated, and the majority, more than half, of the benefits go to those making between $50- and $100,000 a year. Working families, the middle class, those who are struggling most can make ends meet.

Finally, on the issue of affordability, while the majority proposes $248 billion over 10 years to deal with this problem, our approach would take only $90 billion—more than 80 percent of the problem eliminated at only a fraction of the cost—thereby freeing up billions and billions of dollars to deal with other pressing matters that face our society.

Let me put this in perspective: the difference in cost of the majority's position versus our position is $158 billion over 10 years. The difference in cost would completely fund a Medicare drug benefit proposed by the President of the United States for every senior citizen across our country qualifying for Medicare, helping to lower the cost of prescription drugs. Even if you don't adopt the President's approach to a Medicare drug benefit and instead adopt the less costly provisions proposed by the majority—let's take the Republican drug benefit, costing around $70 billion over the next 10 years—you would still have the ability to fully fund that and, in addition, adopt a $10,000 tax deduction for people with children in college, allowing them to write off the first $10,000 of college tuition.

In addition, you would allow a $3,000 credit for senior citizens who are being cared for by their children or grandchildren, lowering the cost of long-term care for the elderly in our society. You would allow for the $30 billion of education reform proposed by Senator GRAHAM on the floor of the Senate just last year.

Let me briefly review the affordability provisions. On the one hand, you have a so-called marriage tax penalty relief bill that costs $248 billion over 10 years, the majority of which goes to people who, in fact, don't pay the marriage tax penalty, or you can eliminate 80 percent of the marriage tax penalty, eliminate it entirely for everyone making under $120,000 and, in addition to that, fully fund the Medicare drug benefit proposed by the majority, and fully fund the college tuition deduction proposed by Senator SCHUMER, and fully fund the long-term elderly care credit proposed by myself and others, and fully fund the money for education reform proposed by Senator GRAHAM.

The choice is clear: a marriage tax proposal on the one hand that goes to largely benefit those who don't pay the marriage tax penalty or a marriage penalty relief proposal that eliminates the vast majority of that problem and adds a Medicare drug proposal and makes college more affordable and provides for long-term care for the elderly and invests funds in the quality of education. I believe the choice is clear.

I thank my colleagues for their indulgence and, again, commend the Senate Finance Committee Democrats for their dedication to this issue and the hard work they have devoted to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, this is a very important debate. I hope we are going to be able to move to pass this bill before people have to write their checks during the weekend deadline for income taxes this year.

Right now, there are negotiations underway between the Republicans and the Democrats about what kind of amendments should be offered. I very much hope that the Democrats will agree to offer some relevant amendments because I think there are surely legitimate disagreements about how we would give marriage tax penalty relief. But I also hope we will not have extraneous amendments offered, no matter how good the cause, which would take away from what President Clinton asked us to do, and that is to send him a marriage tax penalty bill that does not include extraneous legislation. That is what we are attempting to do.

So I hope we can move forward into the amendment phase and talk about our differences. I think the distinguished Senator from Indiana wants tax relief for hard-working married couples. I think we may have a few differences, but in the end I suspect that he and I will both vote for the bill that is passed out of this Senate; that is, if we can get to the vote. That is what I hope we can do.

I think we need to be very careful in the debate, though, about accuracy and what the different proposals are going to do. I heard a Senator earlier today in debate say that this bill on the floor will break the Treasury. I think the distinguished Senator from California, Mrs. BOXER, perhaps didn't look at the numbers and didn't match it to the budget resolution because, clearly, this not only doesn't break the Treasury, it doesn't even spend half of the allocation in the budget we passed last week for tax relief. In fact, it is $69 billion over 5 years, and the budget we passed last week is $150 billion over 5 years. So this is not even half.

We do hope to give tax relief to other people in our country. We want to eliminate the marriage tax penalty. We want to let seniors work if they are between 65 and 70 and not be penalized for it, and that bill has already been passed. We want small business tax cuts to make it easier for our small businesses to create the jobs that keep our economy thriving. We would like to give education tax cuts. Under the leadership of Senator COVERDELL, we passed education tax cuts that would help people give their children the education enhancements that would increase their education quality. All of these things fit within the $150 billion tax relief in the budget that we passed last week.

I think this is quite responsible and I think it is long overdue. We are talking about a tax correction as much as anything, because it is outrageous to talk about people who are single, working; they get married and they don't get salary increases, but all of a sudden they owe $1,000 more in taxes. It is time to correct this inequity. That is exactly what the bill before us does. It corrects the inequity all the way through the 28-percent tax bracket. It helps people all the way through those income brackets.

Mr. President, I ask my distinguished colleague from Alabama if he would like to speak. I don't know if others are waiting to speak, but he was waiting earlier. I am happy to yield to him at this time because he has been a leader in this effort.

How much time does the Senator need?

Mr. SESSIONS. Ten minutes would be fine.

Mrs. HUTCHISON. I will stop my remarks and yield to Senator SESSIONS for 10 minutes from our time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Senator from Texas for her stalwart leadership in this bill. The President of the United States said in his State of the Union Message that the marriage tax penalty should be eliminated. Polling data shows that the overwhelming number of American citizens believe it should be eliminated. I had a meeting and a press conference with a number of families in Alabama on Monday, and we sat down and talked with them about the struggles they have. One couple had eight children. They are paying additional taxes because they are married. Another couple had just gotten married and had a young child, and they are paying more because they are married. Those are the kinds of things that are unexplainable to the American people. They are unjustifiable in logic, fairness, and justice. On a fundamental basis, the marriage tax penalty is an unfair and unjust tax. It is not that we are doing a tax reduction so much as we are eliminating a basic unfairness.

As I have said before, the challenge we are facing today is to create, as Members of this Senate, public policy that improves us as a people, that helps us to be better citizens. On every bill that comes through, every piece of legislation that we consider, we need to ask ourselves: Will this make us better or improve us as a nation? When we have legislation and laws in force that give a bonus to people to divorce, we have something wrong.

I have a friend who went through an unfortunate divorce. They got that divorce in January. I was told: JEFF, had we known about it and thought about it at the time, we could have gotten the divorce in December and we would have saved another $1,600 on our tax bill.

The Federal Government is paying a bonus to people who divorce. In effect, that is what our public policy does. If they are married, they are paying a penalty. It is $1,600, according to CBO, for an average family who pays this penalty, and $1,400, according to the Treasury Department, President Clinton's own Treasury Department, that says the families who pay this penalty pay an average of almost $100 per month. That is a lot of money. That is tax-free money that they could utilize to fix their automobile, get a set of tires, go to the doctor, take the kids to a ball game, or buy them a coke after a game, or go to a movie, and do the kinds of things families ought to do.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. SESSIONS. Yes.

Mr. BAUCUS. I ask the Senator, is the so-called marriage tax penalty a consequence of getting married or is it a consequence of getting married and the proportion of incomes each spouse earns? I might ask the question differently. How many people in America—if the Senator knows, and he may—get a bonus under our tax laws, not a penalty? What percentage of American taxpayers today receive a bonus as opposed to a penalty?

Mr. SESSIONS. I am not sure about any bonus factor.

Mr. BAUCUS. That is because when they get married, they pay less taxes.

Mr. SESSIONS. Well, 21 million, I believe, pay more taxes.

Mr. BAUCUS. I ask the Senator, are there some people getting married and, as a consequence, pay less taxes?

Mr. SESSIONS. That is perhaps so.

Mr. BAUCUS. It is so.

Mr. SESSIONS. It is a factor, as the Senator indicated, relative to the income that each person earns.

Mr. BAUCUS. What we are trying to do is find a solution that solves the problem of the disparity in what each spouse makes, which might then cause the penalty. For example, we all know when you have a married couple and one spouse receives more income than the other—considerably more—the joint tax is going to be less than if they are filing separately. We all know that. That is mathematically a given. The consequence, though, of a married man and woman who earn roughly the same amount is that couple pays more in taxes than they would pay if they were separate.

So what we are trying to do is solve the problem—if the Senator would agree with me—and to make sure that when a man and woman get married, we address the problem created when the two people have somewhat similar incomes, which then creates the penalty. So some who are married pay a penalty and some get a bonus. Aren't we only trying to solve the penalty problem for those couples who find themselves in a penalty position?

Mr. SESSIONS. I will just say this. The Senator is correct in saying this legislation deals with the penalty provision and does not attempt to increase taxes on married couples, to try to reach some sort of ideal level.

It is designed to provide relief from the penalty that occurs.

Does the Senator propose that we increase the taxes on those who may be paying less because they are married?

Mr. BAUCUS. If we are trying to solve the so-called marriage penalty problem, then we should try to solve the so-called marriage tax penalty problem.

Mr. SESSIONS. We are solving the marriage tax penalty problem. You may be complaining about the bonus some might get.

Mr. BAUCUS. If I could answer the question, on the other hand, if we want to do something else in addition to solving the marriage tax penalty problem, that is a different debate, and we should try to figure out how best to do that. As it is today, there are 25 million Americans who find themselves in the penalty position when they get married. But there are 21 million Americans who find themselves in a bonus situation when they get married. It is about 50–50. It makes sense, I think, to try to give relief to those in the penalty situation.

I am not sure if those who are already in the bonus situation need more relief, as contained in the Finance Committee bill, the majority bill.

I was asking the Senator why we are doing that. Why are we doing more than fixing the penalty?

Mr. SESSIONS. I think it would be a matter of some discussion if the Senator would like to have some hearings in the Finance Committee on whether or not these bonuses occur. I don't think they are as substantial as the penalties may be. They are not. But, at any rate, if the Senator wants to have hearings on whether they ought to be raised, then I think that is something that is worthy of evaluation.

Mr. BAUCUS. This Senator is not advocating any increase in taxes; no way at all. I want to make that clear. I know the Senator didn't mean to imply that I was thinking of raising taxes because I am not.

Mr. SESSIONS. We have a problem when two people are working and they are making $30,000 a year—just two, a man and woman. They fall in love. They get married. At $30,000 a year each, they end up paying about $800 more a year, which is $60 or $80 a month in extra tax simply for getting married. I want to eliminate that. If somebody wants to deal with the other problem, they can.

Frankly, I am beginning to observe there is a feeling on the other side that this bill needs to go away, that people are not willing to confront it directly. I hope that is not so. I hope we can see this legislation go forward.

Mr. BAUCUS. If I might ask the Senator one more question, is it better to try to find some way to pay down the national debt at the same time we are fixing the marriage tax penalty problem?

The Senator gave a hypothetical of a man and woman each earning $30,000. They get married and have to pay more taxes. That is not right. I totally agree that is not right. That ought to be fixed. Somebody who pays more income taxes as a consequence of getting married should not be facing that situation, and we should, in the Congress, figure out a way—as various proposals do—so a couple does not have to pay any more income taxes as a consequence of getting married. I agree with the Senator. That is not right.

Mr. SESSIONS. That is exactly all it does. Does the Senator disagree? This bill eliminates the penalty. That is what it intends to do. That is what the President says he supports. That is what the Senator from Montana says he supports. That is it.

I have the floor. I will yield for a question.

The PRESIDING OFFICER (Mr. FITZGERALD). The 10 minutes yielded to the Senator from Alabama have expired.

Mr. BAUCUS. Mr. President, I yield the Senator 5 minutes so we can continue this discussion.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would be glad to hear the Senator's question on the point.

Mr. BAUCUS. The question I am asking is this: More than half of the Finance Committee bill does not address the marriage tax penalty problem. More than half goes to married couples who have no marriage penalty problem but who are already in a bonus situation.

I am asking the Senator: Most Americans would rather have the national debt paid down. Doesn't it make more sense for us to address the marriage tax penalty problem directly and to take the rest and help pay down the national debt?

Mr. SESSIONS. We are paying down the national debt in record amounts. As the Senator knows, we are down $175 billion this year. That will continue. The tax reduction that would be affected by this bill represents only, let us say, a small fraction of the total surplus we will be looking at in the next number of years.

If these so-called bonuses that the Senator refers to are primarily given to the one-income earner couple where a mother stays home and is not working, they receive some benefit from that. I think the bonus is not sufficient to make up for the fact that one of them stays at home.

Also, one of the most pernicious parts of this bill—the Senator from Texas has talked about this previously—is that we are attempting in America today to break through the glass ceiling to have women move forward and achieve equal income in America. That is happening to a record degree. But under the present Tax Code, the more equal the marriage partners are in income, the more tax penalty falls on them. In a way, as a practical matter, it seems to fall against working women in a way that you would not expect it to, and it is something we would not want to see happen.

We have unanimous agreement that the marriage tax penalty is a matter that ought not to continue. This legislation deals directly and squarely with that. It doubles the standard deduction. It doubles the brackets for married couples, which is the simplest and best way to achieve that. It will give hard-earned relief to married couples.

We had the spectacle reported of the witness who testified in the House committee that each year he and his wife would divorce before the end of the year, file separately, get the lower tax rate, and then remarry at the beginning of the next year.

We ought not to have tax policies that would make somebody feel as if they could get ahead of the system and save money for their family by divorcing every year. It is the kind of thing that is not healthy.

I appreciate the fact we are finally moving. I hope in a bipartisan way to see this bill become law.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, these are very interesting discussions. I think that for a long, long period of time people at the grassroots of America have understood there should not be a policy that hurts people who join in bonds of matrimony. Everybody realizes that the strength and foundation of our society is the family. The husband and wife are the strength of our society and the foundation of our society.

We have legislation before us that finally will end the penalty against people who marry and get hit with a higher level of taxation rather than two people who aren't married and filing separately making the same amount of income.

Basically, we are talking about the issue of fairness—in this case, fairness within the Tax Code; economic fairness for people who are married.

For about 30 years, our Tax Code has been penalizing people just because they happen to be married.

This is, of course, a perfect example of how broken our Tax Code is, and perhaps is an example that can be given with many other examples of why there ought to be a broader look at greater reform and simplification of the Tax Code. That debate is for another day. Even though 70 percent of the people in this country feel the Tax Code is broken and ought to be thrown out, there is not a consensus among the American people whether a flat rate income tax, which about 30 percent of the people say we ought to have, or a national sales tax, which about 20 percent of the people say we ought to have, should take the place of the present Tax Code.

I use those two percentages to show there is not much of a consensus of what should take its place and therefore probably not enough movement being reflected in the Congress for an alternative to the present Tax Code. Therefore, we find ourselves refining the Tax Code within our ability to do it—a little bit here and a little bit there.

One of the most outstanding examples of something wrong with our Tax Code is that people pay a marriage penalty, pay a higher rate of taxation because they are married as opposed to two individuals filing separately. As with the earnings limitation that discriminated against older Americans, a bill was recently signed by the President of the United States. This unfair marriage penalty needs to be dumped, as well.

I applaud my side of the aisle because it took a Republican-led Congress to repeal the Social Security earnings limit, but the President of the United States was very happy to sign that Republican-led effort. To be fair to the other side, it eventually did pass unanimously. It is the same Republican-led Congress that is taking the lead in repealing the marriage penalty tax.

I listened to a number of comments from the minority side yesterday. I came away with the conclusion they want the American people to believe that the other side of the aisle is for getting rid of the marriage penalty tax. Of course, the minority party had control of the Congress for decades and never once tried to repeal it. Even more interesting, I am afraid we could be victims of the old bait-and-switch routine. For instance, as this bill was being considered in the Senate Finance Committee, an amendment was offered by the minority to delay any marriage penalty relief until we fixed Social Security and Medicare. That is a ''manana'' type of amendment, meaning if we wait to do these other things tomorrow before we have a tax cut, we are never going to have a tax cut.

We may see that amendment again on the floor of the Senate. Remember, in committee, all of the Democrats voted for delay until Social Security or Medicare was fixed, and all the Republicans voted to fix the marriage penalty tax now. We all know neither the administration nor the Democratic side have comprehensive proposals to fix Social Security and Medicare. I have to admit, I am participating with two or three Democrats on a bipartisan effort to fix Social Security, but the administration has refused to endorse that bipartisan effort. There are also bipartisan efforts in the Senate to fix Medicare, but the White House has not endorsed those bipartisan efforts.

Saying that Social Security and Medicare ought to be fixed before we give some tax relief, and particularly tax relief through the marriage penalty tax, is like saying you don't want a tax cut. I am sorry to say at this late stage of this Congress, I don't think we will see from the Clinton-Gore administration any efforts to fix these problems this year in a comprehensive way. When they say we ought to fix Social Security or Medicare first, it is a manana approach—put it off until later; that day will surely never come if we follow that scenario.

The national leadership of the unions in America, the AFL–CIO leadership, put out their marching orders in a legislative alert making these very same arguments that I am sure is only coincidental. They urge that the marriage penalty relief should be delayed until these other problems—presumably Social Security and Medicare—are solved.

My friends on the other side of the aisle say they are for marriage penalty relief but only some time in the unknown future. That is, in fact, Washington, DC, doubletalk that continues to make the American people more cynical about whether Congress is ever determined and willing and committed to deliver keeping our promises. Delaying this tax relief means no tax relief at all. I hope taxpayers across the country will let their Senators know they have had enough of this doubletalk and that they will demand real action now, and sooner or later we will get this bill brought to a final vote.

Another misguided argument used yesterday is that under the majority bill married couples get a tax cut but single mothers with kids wouldn't get one. This is a complicated aspect of the bill, but the argument is not correct. Senators making these arguments repeated it, bringing emphasis to it, as if something new has been discovered, that some kind of smoking gun had been discovered. Unfortunately, for those Members' arguments, the statements are inaccurate. An important part of our bill repeals the alternative minimum tax for over 10 million people. Many helped in that provision will be single mothers.

There is something much more interesting about this argument; that is, the alternative that presumably will be offered by the other side of the aisle is the bill that flatout, without question, doesn't help single mothers at all. But that isn't even the most important point.

That important point is, if a single mother chooses to eventually get married—and since marriage is the foundation of our society, I think we all agree that this is a good move, both for the mother and the children—then, under our bill, she will not be penalized for being married. There will not be a higher rate of taxation just because that single mother gets married. Under current law, if she continues to work after being married, the Government is going to slap her and her husband with a big tax increase. It is that sort of very bad situation our bill will eliminate.

In addition, it is important to note the alternative, from our friends on the other side of the aisle, discriminates against stay-at-home moms. Why should we have proposals before us indicating, if you decide you want to stay at home and raise your kids, spend full time doing it—probably the most important economic contribution you can make to American society, and you are not going to get paid for it, but it is a great contribution to American society. It might not be much of an economic contribution to the family because there is no income going to come as a result of it, but it is good for American society for kids to have parents who are able to be at home with them.

So if you decide to stay at home with the kids, you are going to be discriminated against under the alternative from the Democrat side of the aisle.

That proposal only helps two-earner couples. It not only doesn't help those single mothers over whom the other side of the aisle cries crocodile tears frequently, it hurts those families where one parent decides to stay at home with the children. I hope all of you stay-at-home parents out there listening understand what the Democratic alternative would do to your families.

It seems to me we should be helping people get married, encouraging marriage—it is the solid foundation of our society —not penalizing them for doing it. So, I hope we can get this bill to discussion without cloture. Obviously, there is a legitimacy for amendments from the other side of the aisle. There is even probably legitimacy for amendments from our side of the aisle. There ought to be agreement to those amendments.

It is really time for the gridlock to be over, to move to this bill, to get to a final vote. Now is the time to pass this very important reform, and I urge the Members of this body to come together on amendments, on limitations on discussions, and do what is right by passing this legislation.

Before I yield the floor, if I could do something for the leader: I ask unanimous consent the debate only continue on the marriage tax penalty until 5 p.m. today, with the time equally divided, and the majority leader recognized at the hour of 5.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

Mr. BAUCUS. Mr. President, I yield myself such time as I consume.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think it is important to lay things out as to what this issue is and what it is not. There is a lot of talk that this is a marriage tax penalty. There is even an implication by some that there is something put in the Tax Code to penalize couples because they are married; that is, they have to pay more taxes. Of course that is not true. A little history, I think, is instructive as to why we are here and what perhaps some solutions might be.

When the income tax was enacted, the Congress treated individuals as the unit of taxation, whether or not one was married. If somebody made a certain amount of money, he or she paid income taxes. If he or she got married, he or she was subject to the same rates, the same schedule. The individual was treated as the unit.

That was the case for a while. But many States in our Nation are community property States. They have different laws which determine to what income a man or woman in married status is entitled. In community property States, the rule is any income earned by a spouse is automatically community property and therefore is equally divisible. As a consequence, in community property States, each, the man and wife, would combine their incomes and file separately. That was upheld by the courts. That created a big discrepancy between community property States and common law States.

In common law States, an individual still had to pay the individual rates, whether or not he or she got married, which was just not fair. So Congress in 1948 changed the law to make it fair. What did Congress do? Congress in 1948 said: OK, we are going to double the deductions for married couples as opposed to singles, so when you get married, you do not pay any more taxes than you would pay if you were single. That was the rule of thumb. The brackets for the married were doubled, and the deductions were doubled.

That created another inequity. In this area of tax law, when you push down the balloon someplace, it pops up someplace else. The inequity created was the inequity for individual taxpayers because individual taxpayers say: Wait a minute, here I am as an individual taxpayer. I am paying up to 42 percent more in income taxes on the same income that a married couple earns. If the married couple earns $100,000, hypothetically, my taxes as a single individual earning $100,000 are up to 42 percent more than the couple's. That is not right.

Congress in 1969 agreed that was not right, so Congress went in the other direction. In 1969, Congress said: We are going to raise it, widen the brackets, adjust the brackets for individuals so they are a little more in line with those for people who are married.

The rule of thumb was a tax paid by an individual could not be more than 60 percent more than the taxes paid by a married couple. That was fine for a while. Then over the years we have a lot more couples where both members of the family are earning more income.

This is a long way of saying when we make some change in the law here, it is going to cause some inequity someplace else. It is a mathematical truth that we cannot have marriage neutrality and progressive rates and have all married couples with the same total income pay the same taxes. It is a mathematical impossibility to accomplish all three objectives. It cannot be done. So we have to make choices. The choices are whether to tilt a little more in one direction or the other. The bill before the Congress now is a good-faith, honest effort to try to solve that problem.

There are different points of view. The bill passed out by the Finance Committee attempts to solve that problem one way. The provision offered by Senator MOYNIHAN, the ranking member of the Finance Committee, had a different approach to solve that problem. Let me very briefly lay it out so people have a sense of what the two different approaches are to solve the marriage tax penalty problem.

Recognizing that today, to be honest about it, more married couples receive a bonus when they get married, not a penalty—or, to state it differently: More people, men and women, when they get married today, will receive a bonus; that is, they will pay less taxes as a consequence of getting married than they would individually.

It is true that about half of the people who get married end up paying more taxes, and that is called the marriage tax penalty. It is a consequence of the progressive nature of our Tax Code, along with a desire to be fair to widows and widowers and other single taxpayers, and to be fair to married taxpayers, making sure that some married taxpayers, who have the same income as other married taxpayers, do not pay more. It is a very hard thing to do.

The majority bill tries to solve it this way: It raises the standard deduction. It raises the 15-percent and 28-percent brackets. It changes the earned-income tax credit for lower income people. It makes no other change. It is pretty complicated.

As a consequence, some people who are married and pay a marriage tax penalty will receive relief but not all will. This is a very important point. The majority committee bill addresses only 3 of the 65 provisions in the code which cause the marriage tax penalty. That is standard deduction and the two brackets. That is all.

The chart behind me shows the situation. On the left is current law. There are 65 provisions in the Tax Code today which cause a marriage tax penalty. The GOP proposal, which is the column in the middle of the chart, addresses only 3, leaving 62 provisions in the code which cause a marriage tax penalty.

What is one of the biggest? Social Security, and it is a big one, too. It costs about $60 billion to fix. The majority committee bill says: No, we are not going to help you seniors. If two of you get married, you have to pay more taxes. You have a marriage tax penalty; we are not going to help you. The majority committee bill does not deal with seniors at all.

There are a lot of senior citizens in our country who are not going to find any relief as a consequence of the majority bill. There are 61 other provisions in the code on which the majority committee bill will not give people relief.

The bill offered by Senator MOYNIHAN, the ranking member of the Finance Committee, is very simple. It says to taxpayers: OK, you have a choice. You, as a married couple, can file jointly or you can file separately. That is your choice. You run the calculation, and whatever comes out lower is presumably the one you are going to make.

What is the beauty about that? Why is that better? It is better because it is simple. The majority bill further complicates the code, and the code is complicated enough. The majority bill adds more complications by trying to deal with changing the deductions, phaseins, and so forth. There are a lot more complications.

The minority provision is very simple. It says: You choose. It does not add more complications. In addition, it addresses all 65 of the marriage tax penalty provisions in the code today. There are many of them. I mentioned one such as Social Security. That is one the majority bill does not address.

Other are like interest deduction of student loans. Many students have loans, and as a consequence of current law, when you get married, sometimes you pay more taxes. The majority committee bill does not do anything about that. The majority committee bill does not address that. It only deals with 3 provisions—the standard deduction and two brackets, 15- and 28-percent brackets. Those three provisions sometimes cause a marriage tax penalty.

The minority bill takes care of all the penalty provisions in the code. Look at the chart again. The zero under the Democratic proposal means there are zero marriage tax penalties as a result of the Democratic proposal. The GOP proposal has 62 remaining marriage tax penalties.

I am curious as to why they did not address those. I may ask some Members on that side as to why they did not address some of them. A lot of folks are going to wonder, senior citizens are going to wonder, somebody who takes an IRA deduction is going to wonder, someone who takes a Roth IRA deduction is going to wonder: Gee, why don't they take care of marriage tax penalties that affect me? I do not know. Maybe sometime the majority can answer why they do not address those other marriage tax penalties.

There are other inequities, but I am not going to get into all of them right now. We will get into them at a later date.

It is important to point out that there are two attempts to solve the marriage tax penalty problem: The majority committee bill only deals with three of the provisions in the Tax Code which cause a marriage tax penalty. The minority bill deals with all of them. There is no provision left as a consequence of the minority bill.

In addition, the minority bill is much simpler; one only has to choose, whereas in the majority committee bill, my gosh, one cannot choose; they are forced into a situation, and they are not part of the solution. They have to deal with extra complexities. It does not solve the problem.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I know the Senator from Kansas wants to speak, but if I can take a couple minutes to respond to some things the Senator from Montana stated, I think I should do that.

I yield to the Senator from Kansas such time as he might consume. I should wait until the Senator from Montana is on the floor before I give my response to him. I yield Senator BROWNBACK such time as he consumes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Iowa, Mr. GRASSLEY, for his leadership on this issue and for yielding me time to speak on this bill.

I, too, want to comment on the Marriage Penalty Act and the marriage tax penalty elimination, and some of the comments of the Senator from Montana. I wish he was still on the floor.

He says we have differences of opinion: The Democrats have a marriage tax penalty bill; the Republicans have one. He thinks theirs is better. Great. Let's have a debate on those two. Let's vote. I do not know when we have had as much clarity of differences between a Democratic bill and a Republican bill, where both parties have said we want to pass a bill on any issue this year, than the bill we have before us.

I am pleading with the members of the Democratic Party: Let's have a vote. Let's have a great debate. We will debate your bill for 2 hours, ours for 2 hours, vote on both of these, and let's get this moving forward.

If they want to pass a marriage tax penalty elimination bill, we have the time; we have the place; we have the floor; we can have this vote now. If they do not want to, and really all this is about is: Well, we do, but we are going to block this with eight or nine irrelevant amendments; we are really not that interested in doing this, then that should be said as well. They should be out here saying, no, this really isn't a high priority for the Democratic Party to pass, rather than saying, OK, we have a bill, you have a bill, and let's vote.

It is time we vote up or down, and we have the time before we go into a recess.

The other thing I would like to point out is the President sent us his budget for the fiscal year 2001. I have a copy of the budget the President submitted to us. In his budget, he inserted his support for eliminating the marriage tax penalty. In the President's budget, on the EITC, on page 57, entitled, ''Supporting Working Families,'' he says at the bottom of this page:

> In this budget, the President builds upon these policies that are central to his agenda of work, responsibility, and family.

He says:

> The budget expands the EITC to provide marriage penalty relief to two earner couples . . . .

That is what our bill does. We have a chance to get that particular provision that he is calling for in the budget to the President.

Going back now in his budget to the tables of his proposals and his 10-year estimates on it—this is on page 409—he provides for, and it states:

> Provide marriage penalty relief and increase standard deduction.

He does a much smaller one than we have put forward. I think he also even has a smaller one than Senator MOYNIHAN's proposal that came forward in the Finance Committee. But the President has said all along: Let's eliminate the marriage tax penalty. Let's do this. It is in his budget.

He has asked us not to send him these gargantuan bills that have 20 different items in them. He asked us to send him one like we did on the Social Security earnings limit test. We passed that bill and sent it to the President. He signed it into law. He appreciated being able to have that degree of clarity and that degree of focus on a particular issue.

We have another one. We are having the debate on it. It is the time and the place for us to consider and vote on this now. We need to consider the proposals that the other party has, and to consider our proposals. Let's move this topic forward.

The President has said he wants it. I hope the President gets involved in this debate and urges the Senate and my colleagues on the other side of the aisle to vote on this issue and to get it to him—if he wants it. He said he did in his budget. If he truly wants this marriage tax penalty relief, let's have a vote, and let's get it to the President. We can do this now.

I am fearful. What I am sensing is that we are just getting a lot of delay tactics and no real interest in passing the marriage penalty tax relief. Clearly, there is not an interest to pass it before April 15.

People have the right to do those sorts of tactics, if they want to. But I do not think they should hide and say they just have a different bill, when the true desire here is to not have any bill go through at all.

This affects a lot of people. We have been over and over this lots of times. It affects 25 million Americans. In Kansas, 259,000-plus people are affected by this marriage tax penalty that we have in place. The Senator from Montana has 89,000 people who are affected.

I am looking forward to the chance and the time when we get to actually vote on these issues. Frankly, I think we have had enough discussion about the Democratic proposal and the Republican proposal. We know what is in these proposals now. We know the costs of these proposals. We are ready to pass this. It is time to vote. I really do not understand too much what is holding this up from moving forward.

My colleagues and I have had a number of people contacting our offices saying that this is a penalty they want to see done away with.

They have contacted us numerous times. I have worked with the Members of the House of Representatives who have passed this bill already. They have sent to me letters from a number of people from across the country with their specific examples of how they are penalized by the marriage tax penalty.

This is a letter from Steve in Smyrna, TN. He says:

> My wife and I got married on January 1, 1997. We were going to have a Christmas wedding last year, but after talking to my accountant we saw that instead of both of us getting money back on our taxes, we were going to have to pay in. So we postponed it. Now, for getting married, we have to have more taken out of our checks to just break even and not get a refund. We got penalized for getting married.

Then he concludes:

> And that just isn't right.

I agree. I presume the Senator from Montana agrees. I presume most of the people on the other side of the aisle agree as well. Let's vote then and get a proposal out of here so we can actually deal with this.

Here is one from Wayne in Dayton, OH:

> Penalizing for marriage flies in the face of common sense. This is a classic example of government policy not supporting that which it wishes to promote. In our particular situation, my girl friend and I would incur an annual penalty of $2,000 or approximately $167 per month. Though not huge, this is enough to pay our monthly phone, cable, water, and home insurance bills combined.

I think that is pretty huge when you are talking about that size of a marriage penalty.

This one is from Marietta, GA. Bobby and Susan wrote this one:

> We always file as married filing separately because that saves us about $500 a year over filing married, filing jointly. When we figured our 1996 tax return, just out of curiosity, we figured what our tax would be if we were just living together instead of married. Imagine our disgust when we discovered that, if we just lived together instead of being married, we would have saved an additional $1,000. So much for the much vaunted ''family values'' of our government. Our government is sending a very bad message to young adults by penalizing marriage this way.

This is from Thomas in Hilliard, OH.

> No person who legitimately supports family values could be against this bill. The marriage penalty is but another example of how in the past 40 years the federal government has enacted policies that have broken down the fundamental institutions that were the strength of this country from the start.

This one is from David in Guilford, IN:

> This is one of the most unfair laws that is on the books. I have been married for more than 23 years and would really like to see this injustice changed so my sons will not have to face this additional tax. Please keep up the great work.

He goes on.

We have a number of different letters. I do not think it really bears going into much longer because what I hear everybody saying is: We are for eliminating the marriage tax penalty. The American public is for doing that. It is the time to do that. We now just have procedural roadblocks to getting it done.

That is the bottom line of where we are today. We could vote on this today. We could vote on the Democratic alternative. We could vote on the Republican alternative. We could have up-or-down votes on this today and get this through this body, get it to conference, and on down to the President, and see if he really meant it when he said in his budget that he wanted to do this, the EITC, the marriage tax penalty elimination, to see if he really wants to eliminate the marriage tax penalty. We could see if the President really meant that.

I invite the President to get involved in this debate so we can pass this through.

I have worked with the administration on a number of bills. I would hope they would start engaging us here saying: Yes, we want to do this and pass this on through.

Let's not stall it. Let's get this thing moving forward so we can send this message out across the country.

With that, Mr. President, I see several other Members on the floor. It is time to get this moving forward.

I just call on my colleagues on the other side of the aisle and say let's not play on this thing. Let's say we are going to pass it. Let's take the votes, and let's move forward.

I yield back to my colleague from Iowa.

Mr. President, if I have a minute or 2 more—I don't want to take up the time from my colleague of Iowa.

Mr. GRASSLEY. I thought the Senator yielded the floor.

I would like to speak now if the Senator has yielded the floor.

Mr. BROWNBACK. I yield the floor.

Mr. GRASSLEY. I yield myself 5 minutes.

First of all, I think there is a very general proposition about the Tax Code. I want to relate it to the philosophy of higher taxation on the part of the Democratic Party members; and that is, that the higher the marginal tax rate, the worse the marriage tax penalty is.

We have in 1990 the drive for increasing taxes by Senator Mitchell when he was majority leader. That increased marginal tax rates at that particular time. Then we have had the highest tax increase in the history of the country, which was the one that was passed within 7 months after the Clinton administration was sworn in in 1993, in which we still had two higher brackets put into the Tax Code.

Remember, that tax increase passed with 49 Democrats for it, and all Republicans and a few Democrats against it. It passed by Vice President GORE breaking the tie. Remember that we have a much worse tax penalty now than we did under the tax policies of the 1980s, when we had two brackets, 15 and 28 percent. The extent to which the marriage tax penalty is worse now than before is a direct result of higher marginal tax rates promoted by the other side of the aisle.

I also have to make a point in reference to what the Senator from Montana said today, as well as what he had said yesterday; that is, his accusation that the tax bill that reduces the marriage tax penalty before us is further evidence of the majority party trying to benefit higher income people. The Senator should be aware that his Democrat alternative actually benefits more higher income people than the bill that is before us by the Republican Party. I hope he will take a look at the distribution tables that show his bill helps more higher income people than the bill we are trying to get passed.

We have also heard arguments that this legislation does not end the marriage tax penalty in every way. This legislation ends the marriage tax penalty in the standard deduction and the 15- and 28-percent rate brackets and reduces it for virtually every family that suffers from the marriage tax penalty. This is the largest attack on the marriage tax penalty since its inception in 1969.

For many working couples, those in the 15-percent and the 28-percent tax bracket, which would be up to about $127,000 under this bill, this legislation effectively ends the marriage tax penalty. For those couples in higher income brackets, this legislation provides a significant reduction in the marriage tax penalty.

It is correct that this bill does not end all marriage tax penalties in the Tax Code. There are over 60 instances of the penalty in the code. This bill is about hitting the marriage tax penalty where it hits hardest—in the middle income tax brackets, the standard deduction, and the earned-income tax credit.

There is also talk about the bill before us resulting in more Tax Code complexity. Our bill is simpler than the Democrat alternative. Our legislation eliminates the marriage tax penalty in the standard deduction and the 15-percent and 28-percent rate brackets. How could this be more simple?

I hope we can have further discussion of these disagreements because I am convinced we can soundly overcome the arguments of the other side of the aisle.

I yield the floor. The Senator from Texas may use whatever time she needs or is available.

Mrs. HUTCHISON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There are 6 minutes remaining.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Iowa for making those points because I think they are very important. The differences between the Democrat alternative and the Republican plan that is on the floor are actually quite extensive.

In the first place, the Democrat plan is $100 billion less in tax relief for American families. We are trying to cover more families. Not only are we trying to cover the people who are in the 15-percent bracket and the 28-percent bracket, which takes us through everyone who pays taxes up to $127,000 in joint income, but it also increases the earned-income tax credit for those who don't pay taxes at all. This is what helps a person who has been on welfare who goes to work and actually makes a salary of from $15,000 to $30,000 not have to pay any kind of penalty, even though they don't pay taxes.

We want to add to the $2,000 earned-income tax credit $2,500 more to the salaries that would qualify for the earned-income tax credit. This is an incentive for working people who are in the lowest levels of pay to continue working and to realize that it is more important for them to work and to have an incentive to work than to be on welfare.

The points made by the Senator from Iowa are very appropriate. The Republican plan not only offers more relief, it offers more relief to more people, $100 billion more.

Secondly, the Democrat plan is phased in over a very long period of time. It doesn't become fully effective until 2010. It is very backloaded. Fifty percent of it doesn't even take effect until 2008. We want to try to make that timeframe less, and we want to have significant tax cuts for hard-working American families.

Of course, we truly do believe that people will be able to make the decisions with the money they earn better than they will be able to live with decisions made in Washington, DC. In fact, I think it is very important that people realize, as they are writing their checks on April 15—or Monday, April 17, if they can wait until the very end—that the chances are they are in the 48 percent of the married couples. If they are in that 48 percent that has a penalty, their tax bill next year will be an average of $1,400 less, if we can pass the Republican plan, send it to the President, and if the President will sign it. The President has said he is for tax relief for married couples. We certainly think he should sign the bill. If he doesn't sign the bill, we would really like to know why because this is a better tax cut plan.

There is probably just a difference on what is a marriage bonus. For a married couple where one spouse decides to stay home and raise the children and they don't pay as much in tax as the single person doubled, I don't think that is a bonus. I would not want to tell my daughter, who has three children, that she is not working when she is staying home with them. Thank goodness we have people who want to stay home and raise their children. I don't want to make that decision for them, but I certainly want them to have the option and not be penalized in any way.

I think everything we can do to encourage families to be able to make that choice we should do. I do not consider it a bonus. What I want is total fairness. What I want is, if a person is single and marries another single working person, when they get married there is no penalty whatsoever. The $1,000 we now make them pay because they got married would be spent instead by them, to start building their nest egg, to have their first home, to buy the second car, whatever it is they need, as newlyweds, who are the ones who struggle the hardest. We want them to have the benefit of not having discrimination in the Tax Code.

What we are talking about is tax relief; it is a tax correction. It is saying that we don't want to penalize people for getting married. When 48 percent of the married couples in this country do have that penalty, what we want to do is correct it. I hope the Democrats will work with us to have relevant amendments that could be put forward. This is a good debate. I think we can differ on the way we would give marriage tax penalty relief. But my plea with the Democrats is let us take it up. Don't say that you have to offer extraneous amendments which don't have anything to do with marriage tax penalty, especially when President Clinton has asked us to send him a marriage tax penalty bill. That is what I hope will happen at 5 o'clock.

I hope the President will work with the Democrats and tell them he believes in tax relief. I hope we can pass that relief for the hard-working Americans who deserve a break. I urge my colleagues to help us offer these amendments. Let's debate them and let's give Americans tax relief as they are signing those checks to the Federal Government this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana controls the remainder of the time until 5 o'clock.

Mr. BAUCUS. Mr. President, I see my good friend, the Senator from Texas, still on the floor. I will ask her a couple of questions.

Clearly, we both want to solve the marriage tax penalty. It is my judgment that we are going to pass legislation this week—I hope so. There will be a couple of amendments. It is normal and proper in the Senate for Senators who think they can improve upon a bill to offer amendments. I certainly hope we can dispose of the issue this week. I expect that to happen. I hope so. In doing so, obviously, we want to do what is right. When you do something, you should do your darndest to make sure you do it right the first time so you don't have to correct mistakes later on.

I am wondering why it would not make more sense to address all of the marriage tax penalty problems in the code in this bill rather than only a few. As the Senator knows, there are about 65 provisions in the Tax Code, the consequence of which sometimes results in a marriage tax penalty for some married couples—not all but for some.

I am not being critical of the provision offered by the majority. But as the Senator knows, in the proposal offered by the majority, they deal with only 3 of those 65 provisions; whereas, the way the minority attempts to solve this, or proposes to solve the marriage tax penalty problem is to allow optional filing; as a consequence, all 65 provisions in the code are dealt with, so that in the minority position all of the marriage inequities are solved—all 65 provisions.

I am wondering why—without being critical—it doesn't make more sense for us while we are here, while we are going to pass a bill relieving couples of the marriage tax penalty, to entirely solve the problem, as is the case in the minority bill, rather than only for a few, as is the case in the majority bill.

Mrs. HUTCHISON. I thank the Senator from Montana for saying, first of all, he thinks we will have a marriage tax penalty relief bill passed. I certainly think a couple of amendments—five or six or so—on either side, which are relevant, to try to perfect legislation is quite reasonable. I hope that is what the Democrats intend to offer. That isn't what we have seen so far. So perhaps we are coming to a conclusion. I hope so.

Let me say that if the only bill on the floor were the Democratic alternative, I would vote for it because I have voted for it before. It is not a bad plan. But I think the Republican plan is better. Here is why. First of all, our plan helps more people who are in the lower levels, the middle-income levels, who really need this kind of help. We say that if a single person making $35,000 married, or a single person making $30,000, you double the bracket so their combined bracket is going to be the same. They will not be penalized in the 15-percent bracket or the 28-percent bracket. Now, I would be for going all the way through those brackets because I am for tax relief for hard-working Americans.

Ours is a bigger bill. It covers more people. I think it is the better approach. I would be for bracket relief across the board, too, because I think the tax burden is too heavy and we are talking about the income tax surplus, not the Social Security surplus. So this is the money people have sent to Washington that is beyond what the Government needs for the Government to operate. So I think ours is better, but I don't think yours is bad. I just hope we can give the most tax relief to the most people.

Mr. BAUCUS. Maybe the Senator is not addressing the question, for many good reasons. The question is, why not deal with all 65 of the inequities rather than only 3?

Mrs. HUTCHISON. If we took our plan and yours and put them together, I would think that would be better than the Republican plan. Your plan alone is not as good as the Republican plan because it doesn't give that much relief. Our plan gives $2,500 more in the earned-income tax credit. This is helping people come off of the welfare rolls and have the opportunity to be paid to make them whole. These are people who make $12,000 to $30,000 a year, when they have two children, a family of four. It also helps people in the 15-percent bracket and in the 30-percent bracket.

Mr. BAUCUS. I appreciate the Senator's remarks. We are on my time, so I will finish up.

Briefly, I think it is important to point this out. One of the provisions not dealt with in the majority bill is taxation of Social Security benefits. That is no small item. It would cost about $60 billion over 10 years if it were to be addressed. I remind people that today the majority bill before us is about $248 billion over 10 years. So, in addition, $60 billion is the amount that senior citizens would have to pay as a consequence of the marriage tax penalty, which is not covered by the Finance Committee bill.

I might add that, again, the minority bill does solve the Social Security benefits problem, as it does each of the other 62 remaining provisions in the Tax Code which may result in a marriage tax penalty. I hear people say, well, theirs is a better bill. But that doesn't get down to the specifics of what it actually does. I remind Senators that over half of the tax reduction in the bill offered by the Finance Committee goes to people who are already in a bonus situation. It has nothing to do with the marriage tax penalty.

I am suggesting that those are dollars that could be perhaps better spent for debt reduction. I think most Americans would like to see the national debt paid off. That makes a lot more sense to me. Or perhaps they would prefer that it go to education, health care, or whatnot.

We are here to address the marriage tax penalty. I think we should focus on the marriage tax penalty and, by doing that, I submit that the proposal offered by Senator MOYNIHAN, the minority alternative, focuses only on the marriage tax penalty. It is very simple to understand. Essentially, the taxpayers choose whether to file jointly or separately. I think that sort of empowers the taxpayers to decide for themselves what they want to do. They can be part of the solution where they pay lower taxes and not have to pay any marriage tax penalty at all. Again, $60 billion of Social Security benefits is not fixed by this bill.

I want to add this, and I know my time is about to expire, the AMT. One consequence of the committee bill is that there are 5.6 million more taxpayers who are going to have to file under the alternative minimum tax than today—5.6 million new taxpayers, new people who are not filing under the alternative minimum tax, separate and filing today, will not have to under the Finance Committee bill.

That is not the case in the minority committee bill.

I think we should give relief to those folks so they don't have to go to the AMT situation; or, to say it differently, the Finance Committee bill gives some relief to AMT taxpayers and then takes it back by saying now you new taxpayers have to file the AMT.

Why is that result? Why does that happen? It happens because of what I have said for a good part of this day; namely, the Finance Committee bill only deals with 3 of the 65 provisions. Those three are: the standard deduction, the 15-percent and 20-percent brackets. As a consequence, there is this AMT shift.

I don't think we want to say to 5.6 million Americans that you do not have to file the AMT today, the alternative minimum tax, and go through all of that and pay that tax, but now you will, as a consequence of the Finance Committee bill. I don't think we want to do that.

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader is recognized.

Mr. LOTT. Mr. President, may I inquire about the situation now? I believe we had general debate until 5 o'clock.

The PRESIDING OFFICER. The majority leader is correct.

Mr. LOTT. Mr. President, I understand Senator DASCHLE will be here momentarily. For his benefit, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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, the Democratic leader and I have been working to try to reach an agreement to consider the very important Marriage Tax Penalty Relief Act. We started working on it yesterday afternoon sometime around 3:30 or 4. Senator DASCHLE indicated they had a number of amendments that they would like to have considered, and, of course, we asked for a chance to see what those amendments were. We, of course, urged that they be relevant amendments.

At about 3 o'clock today, we received a list of amendments that members of the minority wanted to offer to the Marriage Tax Penalty Relief Act. The list included nine amendments, five or six of which were clearly not related to the marriage tax penalty relief bill. And then about an hour or so later an additional amendment was added by Senator HARKIN. The list is now up to 10 amendments.

I indicated all along—like we worked it out earlier this year on the education savings account—that we could go with alternatives and relevant amendments. That is eventually what we did with the education savings account. Of course, I had hoped with the very overwhelmingly popular Marriage Tax Penalty Relief Act that we could do something similar to what we did on the Social Security earnings test elimination. That was something that had been pending in this body and on Capitol Hill for 20 years.

Finally, we worked it out. We had a couple of relevant amendments to which we agreed. We had a good discussion. We voted, I think, on one of those amendments. It passed unanimously. The President signed it last week with great fanfare that we had achieved this worthwhile goal.

I think we can do the same thing with the marriage penalty tax. But in order to do it, we need to keep our focus on what is the best way to provide this marriage penalty tax relief. Is it a phaseout? Should it apply to everybody? What can you do for those in the lower income brackets in how you deal with the EITC, earned-income tax credit, how you deal with the lowest and middle brackets? Is there a better way to do it or another way to do it?

Senator MOYNIHAN, Senator BAUCUS, and others on the Finance Committee, had a different approach. I described it then, and publicly I think it is a credible approach. I don't think it is as good as the one we had in the basic bill, but it is one that is worthy of being talked about and thought about. I hope we can work it out so we can do that.

We could have debate on the bill and then go to a vote on the alternatives and relevant amendments and get this finished by the close of business on Thursday or Friday at the latest. But the list we have is not only not relevant, but, first of all, we haven't had a chance to really look at how they would work or the details of the proposals.

One of them by Senator ROBB has to do with prescription drugs. Senator WELLSTONE has one which is something similar to the Canadian system of prescription drugs. But it looks to be a pretty detailed proposal that I don't think the Finance Committee has had a chance to consider.

We have one by Senator GRAHAM dealing with Medicare and Social Security priorities. I think he offered something similar to this in the Finance Committee. This is not one of which we were unaware. We could have a discussion on that, and I think have a vote, but it certainly doesn't relate to the marriage tax penalty.

We have one on the college tuition tax credit. There is one on the CRT income. This is an agriculture issue. We have one on changing how you deduct a natural disaster impact on your tax form. I don't even know. That may be something we would want to look at doing. Don't we want to consider that in the Finance Committee, see what the budgetary impact is, and see what people are doing now versus what they might do under this proposal? It is something I would like to talk to Senator TORRICELLI about to see exactly what he is trying achieve.

Then, at 3:45, we got the amendment from Senator HARKIN. Honestly, I can't even quite tell you what it did. I believe that one relates to the marriage tax penalty. It would probably be relevant. Three or four of these could probably be relevant, and we could get them done.

I hope the Democratic leader would try to reduce his list or, at a minimum, make them work with us in getting relevant amendments to the marriage tax relief bill. I think that is a reasonable request.

I emphasize again that is what we did on the education savings account and on the Social Security earnings limitation.

Mr. President, I ask unanimous consent that the Senate now resume the pending legislation and that there be 10 relevant amendments in order for the Democratic leader, or his designee, and 2 relevant amendments in order for the majority leader to the pending substitute, with no amendments in order to the language proposed to be stricken, or motions to commit or recommit. I further ask unanimous consent that following the disposition of the listed amendments—certainly 10 would be an awful lot of amendments—and any relevant second degrees, the bill be advanced to third reading, and passage occur, all without any intervening action or debate.

I further ask unanimous consent that following passage of the bill, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on behalf of the Senate.

I finally ask unanimous consent that the cloture vote scheduled for Thursday of this week be vitiated, in view of this request, if it is agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

Mr. President, I ask unanimous consent that the 10 amendments to be considered during the debate on the marriage tax penalty be the following:

An alternative amendment offered by Senator BAUCUS, or his designee; an alternative amendment offered by Senator BAYH; an alternative amendment offered by Senator KENNEDY having to do with Medicaid and family care, or a motion to commit on the part of Senator KENNEDY; a Robb motion regarding marriage tax penalty and prescription drugs; a Wellstone amendment on prescription drugs; a Graham amendment on Medicare and Social Security priorities having to do with the marriage tax penalty; a Schumer amendment having to do with college tuition tax credit and the marriage tax penalty; a Dorgan amendment having to do with taxation of CRP income; a Torricelli amendment having to do with tax consequences of national disaster assistance; and a Harkin amendment having to do with capping benefits in the bill and putting the savings into Medicare and Social Security trust funds on the marriage tax penalty relief legislation, as well.

I further ask that each amendment be limited to debate for 1 hour equally divided.

Mr. LOTT. Mr. President, reserving the right to object, could I inquire, is this the same list I was given earlier today plus the Harkin amendment that was added after that original list?

Mr. DASCHLE. That is correct.

Mr. LOTT. Is there any difference? I thought you indicated on a couple of these—and I referred to the earlier Kennedy amendment, which really is a major Medicaid change—you made it sound as if it might be relative to the marriage penalty tax.

Mr. DASCHLE. Mr. President, on several occasions we have had debates with the Parliamentarian and with the majority with regard to the issue of relevancy. I point out to my colleagues, the concept of relevancy is only defined as it relates to an appropriations bill. There is no definition of relevancy.

In our view, all of these issues are relevant to the debate on marriage tax penalty. We believe relevancy ought to be taken in that context. I am troubled by the interpretation we have gotten from the Parliamentarian a couple of times on the issue of relevancy. In our view, these matters are certainly relevant to the debate on tax consequences and marriage penalties.

Mr. LOTT. Is the Senator saying in each one of these cases what is offered would be in place of the Marriage Tax Penalty Relief Act in whole or in part?

Mr. DASCHLE. No. I am simply saying in most of the amendments offered there is a direct relevancy to the issue of marriage tax penalty.

I am also suggesting in all cases we would be prepared to limit the debate to 1 hour equally divided. Regardless of its relevancy, the fact is the majority leader would be able to begin this debate, conduct his debate as he has anticipated, with an expectation that we could finish by the end of the day tomorrow.

He has noted, of course, that he doesn't necessarily support or endorse many of these amendments. It is the right of the majority leader, especially given the fact that we have now submitted to a 1-hour time limit, that he can oppose them, he can table them.

Mr. LOTT. How about second-degree them?

Mr. DASCHLE. We would not agree to second-degree amendments.

To ask for the details on top of all of that seems to me to be a real stretch. I am sure that in good faith we can work through these amendments one by one.

That is quite an acknowledgment on our part, a willingness to submit to the debate, 10 amendments, 1 hour equally divided on each of these, most of them directly relevant to marriage tax penalty, but in all cases certainly relevant to the debate about priorities of the money being spent.

Mr. LOTT. Mr. President, I object to that with at least two observations.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. For instance, the taxability of the CRP income—I don't know how anyone can stretch that to make it applicable to the Marriage Tax Penalty Relief Act.

Second, the request by the Democratic leader did not allow for second-degree amendments, or any alternatives, or any option—even side-by-side amendments by the majority. We certainly need to work through that.

I still think we can go forward and continue to work to try to find a list of, hopefully, relevant amendments that could be offered to get to a conclusion on the marriage penalty tax.

Since we are not able to reach an agreement at this time, I announce that the cloture vote will occur tomorrow unless we come to an agreement that allows a vitiation of that cloture vote.

Mr. DASCHLE. Mr. President, maybe you have to be in the minority to appreciate the position in which the minority has now been put once again.

The Republican majority is saying, first and foremost, we want to debate the marriage tax penalty. We say to that, absolutely; we want to debate the marriage tax penalty. We strongly support marriage tax penalty relief.

Then they say, we want you to limit your amendments. So we say, OK, we will limit our amendments.

Then they say, we not only want you to limit your amendments, we want to be able to tell you which amendments you can offer.

After saying first of all we will debate the marriage tax penalty, after secondly saying we will limit amendments, to give the majority now the right to dictate to the minority that they have the ability to determine what the context, what the definition, what the scope of our amendments ought to be, it seems to me to be an abrogation of all that is fair in debating an important issue such as this.

If we are going to spend $248 billion, there are other ways in which we can spend that money. Every one of these amendments in that context is relevant. Should we spend $248 billion on a marriage tax relief bill, 60 percent of which does not go to those experiencing a marriage tax penalty? Sixty percent of that $248 billion does not have anything to do with the marriage tax penalty. It goes in most cases to people who get a marriage bonus.

We are saying let's fix the marriage tax penalty. But if you are going to spend all that money, we have a whole list of other things we think we ought to be looking at. It is in that context that I think we are being reasonable and fair, especially given the fact that we are simply saying we will agree to a limit on amendments, we will agree to a limit on time.

I think this Republican bill is a marriage tax penalty relief bill in name only. It is a Trojan horse for the other risky tax schemes that have been proposed so far this year. If this bill passes, Republicans will then have enacted $566 billion in tax cuts this year before they have even completed the budget resolution. That is not even counting the audacious $1.3 trillion their Presidential candidate, George W. Bush, has proposed as their standard bearer. Add $1.3 trillion and the $566 billion, and that is $2 trillion in tax cuts they are proposing without a budget resolution.

Is this the way we ought to spend the surplus, including the Social Security surplus? We are saying we can do better than that. We are saying we ought to look at providing prescription drugs for our senior citizens. We are saying we ought to look at college tuition tax credits. We are saying we ought to look at the Medicaid and CHIP health programs.

I remind my colleague, just this day last week, 51 Senators—Republican and Democrat—voted for passing a prescription drug benefit before we pass the first dollar in tax cuts. Mr. President, 51 Senators voted for that; a majority of Senators said we are for a prescription drug benefit before we are for a tax cut, any kind of tax cut.

We want to deal with the marriage tax penalty. We want to come up with an agreement on the marriage tax penalty. But if some Republicans want to run for Democratic leader so they can dictate to the Democratic caucus what our agenda ought to be and what our amendments ought to be, let them run. I will take them on. We can have that debate. We will have a good election in the Democratic caucus.

But until they are elected Democratic leader, I think Democrats ought to make the decision about what Democrats offer as amendments.

They can agree with us on time, on a limitation on numbers, but not on context, not on text, not on substance. That is what this is all about.

We will have the debate time on cloture if we have to. Like the majority leader, I am an optimist. I am hopeful we can come to some agreement. It certainly is within reach. But not if we are dictated to with regard to the text of the amendments.

I yield the floor.

MORNING BUSINESS

Mr. LOTT. I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak——

Mr. REID. Reserving the right to object——

Mr. LOTT. For up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, before the two leaders leave the floor, I want to say, first of all, the Democratic leader is being so generous. We, the Democrats, 44 of us, follow him in lockstep. But the fact is, he has gone a long ways towards accommodating the majority leader.

I would just say this in passing: If we are going to be logical about this debate, then if you look at the underlying bill, that is the marriage tax penalty the Republicans are pushing forward, you will find 60 percent of it is not relevant to the marriage tax penalty—60 percent of it is not relevant. So if he is talking about relevancy, which I think should have no bearing on the proceedings here, 60 percent of their own underlying bill is not relevant.

So I think, I repeat, our leader has been so generous, trying to move things along. I think his statement is underlined by all the other 44 Democratic Senators. We support every step he has made. We think he is doing the right thing in protecting the prerogatives of the Senate, having this debate in the Senate where there is free debate. We are not even asking for free debate; we are asking there be some debate, which is not being allowed.

VISIT BY THE PRESIDENT OF THE REPUBLIC OF COLOMBIA, ANDRES PASTRANA

Mr. L. CHAFEE. Mr. President, as chairman of the Subcommittee on Western Hemisphere Affairs, it is a great pleasure to welcome the President of Colombia to the Senate of the United States. I have been listening with rapt attention. He has been trying to explain to us his hopes for the future.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I join my distinguished colleague from Rhode Island, the chairman of the Subcommittee on Western Hemisphere Affairs; along with the chairman of the full committee, Senator HELMS; the distinguished majority leader; the minority leader; and other colleagues who are here—Senator BIDEN—in extending a very warm welcome to the distinguished President.

We have great admiration for him and the people of Colombia. The struggle in which we are all engaged affects all of us in this hemisphere, particularly those in the United States. And we know we are going to do everything we possibly can to see to it the support of the United States is forthcoming to President Pastrana and the people of Colombia.

Mr. President, you are warmly welcome here today. We are delighted you are with us.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate recess for 2 minutes for the purpose of the Senate welcoming and receiving to the U.S. Senate, the President of Colombia, President Andres Pastrana.

There being no objection, the Senate, at 5:23 p.m., recessed until 5:28 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I seek to be recognized to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

THE MARRIAGE PENALTY TAX

Mr. BROWNBACK. Mr. President, I appreciate the leadership on both sides and their discussion on us moving forward and dealing with the marriage penalty tax. I am glad we are finally coming together, but I would note the Senator from South Dakota has put forward, on behalf of the Democrat side, 10 amendments on this issue. Many of these are not directly relevant to what we are trying to get done. With all due respect to him putting these forward, and I appreciate them working with us some, we have a pretty direct issue in front of us. It is the marriage tax penalty.

To tie with it a discussion on prescription drugs, to tie with it discussions on Medicare, on Social Security priorities, on a college tuition tax credit, on conservation reserve programs, on the natural disaster assistance program, really just goes contrary, completely, to us ultimately trying to get this bill through.

What we have before us is a marriage tax penalty. We have two alternatives put forward by the Democrat Party. That is good. I think we can have good, direct, clear votes on that, and then we can press forward.

With all due respect to the Democratic leader, to call this a risky tax strategy, I think what is at risk if we do not deal with the marriage tax penalty is the institution of marriage in this country. What has happened is there is the fall-off in the number of people getting married, and then we tax them on top of that. That is risky.

They have said a number of times that 52 percent does not deal with the marriage tax penalty. It is all directly applicable to the marriage tax penalty.

The Democratic proposal actually enshrines in law a new homemaker penalty; that is, when one of the spouses decides to stay at home and take care of the children. The Democrat proposal makes families with one wage earner and one stay-at-home spouse pay higher taxes than a family with two wage earners earning the same income. Why discriminate against one-wage-earner families? That is a direct connection to the marriage tax penalty. That is a marriage tax penalty taking place with the one-wage-earner family.

Why do we want a Tax Code that penalizes families because one spouse chooses to work hard at home and one chooses to work hard outside the home? I do not see why we would want to do that.

There are a lot of things I like about the Democratic alternative, as far as doing away with the marriage tax penalty in a number of other places in the Tax Code. This notion of penalizing a single-wage-earner family is really not something we should be pressing.

More to the point, it makes the entire issue of the marriage tax penalty, all 100 percent of the tax cut, relevant to marriage. They are saying 52 percent of it is not relevant to the family. It is directly relevant to that one-wage-earner family. In many of those cases, they are saying it is not.

The other point, and I do not think it needs to be belabored: If we are ready to pass marriage tax penalty relief and both sides agree we need to pass marriage tax penalty relief, why would we take up a series of additional amendments on Medicaid, prescription drugs, Social Security, college tuition tax credit, Conservation Reserve Program, natural disaster assistance? Those are not relevant to the issue. We have a chance to do this particular issue, agree or disagree.

If the Democrats think this is too rich, let's vote on their bill; let's have a vote on it. We have the chance now to do that, to hone in on that. I am fearful that what I am seeing is more a block to dealing with the marriage tax penalty.

Mr. LOTT. Will the Senator yield?

Mr. BROWNBACK. I will be delighted to yield.

Mr. LOTT. Mr. President, I asked the Senator to yield because I very much agree with what he is saying and want to emphasize a couple points.

There is a Democrat alternative. I indicated even yesterday we would be glad to take up debate and vote on it. I note even the Washington Post yesterday said the problem, for instance, with the Democratic bill is it is backloaded and would actually cost more over a 10-year period and more of it would affect the upper end, the more wealthy people. That is the alternative that was offered in the Finance Committee.

I believe our bill is much more in line with what the average working American—a young couple and older couple, for that matter—would like to have. I appreciate the Senator's remarks.

I want to say something else for the record. A complaint was made a few weeks ago by the Democratic leader about the cost of this bill and whom it will affect. I will, once again, read briefly what this bill will do.

It will provide a $2,500 increase to the beginning and ending income level for the EIC phaseout for married filing jointly; in other words, a $2,500 increase for the earned-income tax credit joint or married couples. That is the low-end, entry-level couples who need help. There is a specific provision that will cost, over a 10-year period, about $14 billion.

It also provides the standard deduction set at two times single for married filing jointly, and it doubles the brackets for the 15-percent and 28-percent. Then it provides for permanent extension of the alternative minimum tax treatment of refundable and nonrefundable personal credits.

What is it in these provisions to which the Democrats object? It is aimed at low-end married couples. It is aimed at correcting a problem that was never intended, where people in the middle income are paying higher taxes because of the alternative minimum tax, and it is aimed at the lowest and the middle brackets. It makes good sense.

Once again, what the Democrats are suggesting is a diversion. They want to get into agricultural policy. They want to get into Medicaid reform. They want to get into anything to distract from the issue at hand.

We are perfectly willing to go ahead with relevant amendments on the marriage tax penalty. In the end, the question is: Are you for eliminating the marriage tax penalty or not? If you are, this is the opportunity. We will have a chance to see tomorrow who is really for it and against it.

I thank the Senator for yielding, and I thank him for his leadership on this issue. It is an issue he has been talking about ever since he arrived in the Senate. Now we have a chance to get it done. We should not get off on side trails on issues that will complicate or maybe even defeat our entire effort. I thank the Senator. Keep up the good work.

Mr. BROWNBACK. Mr. President, I thank the majority leader for his leadership and willingness to schedule this time. I am interested in dealing with this issue because we have been pressing it for years. We have been talking about it. Some have talked about it in campaigns.

Why do we want to tie in 10 other topics? We should not. I hope the Democratic leader and our side can get together and agree on a set of alternatives that are relevant. Let's have a series of votes up or down so we can deal with this marriage tax penalty relief bill. It is time to do that. We have the wherewithal to do it. I hope we will deal with this now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I actually want to proceed to morning business to introduce a bill, but having listened to the majority leader and having listened to Senator DASCHLE, I want to briefly respond to what I have heard on the floor of the Senate.

This is the Senate, and I thank Senator DASCHLE for representing me as a Senator from Minnesota so I can represent the people in Minnesota.

This proposal the Republicans have brought to the floor can easily be debated tomorrow. Senator DASCHLE made a proposal where there would be other amendments. They would be limited to an hour equally divided and up-or-down votes. It is a matter of whether or not my colleagues, the majority leader, and others, want to vote and want to be accountable for votes.

As it turns out, in the Senate, we come to the floor and we try to represent the people in our States. We will have an opportunity to focus on the Republicans' proposal. The problem with their proposal is it blows the budget, and the hundreds of billions of dollars that go into their proposal disproportionately go to people at the top. It is money that can be invested in other areas.

There are a number of Senators with amendments. Our amendments say some of that money, as my colleague from Montana mentioned, should be invested in kids and education; some of that money should be invested in making sure prescription drugs are affordable for senior citizens and others.

In my particular case, the proposal I talked about—and I have worked with Senator DORGAN, Senator SNOWE, and others on it—essentially says that when it comes to FDA-approved drugs in our country, there should be a way for our pharmacists and wholesalers to import those drugs back from other countries at half the cost and pass that savings on to consumers. That is called free trade. As a matter of fact, then people have less to deduct and there is less of a penalty.

My point is, with all due respect—and I am just speaking for myself—for too long the majority leader has come out here and has basically said: I am not going to let other Senators come out here with amendments that deal with issues that are important to the lives of people they represent; I am going to insist on only the amendments I say you can do, and if you are not willing to do that, I will file cloture and that is it.

That is not the way I remember the Senate operating for most of the years that I have been here. The thing that I have always loved about the Senate, the thing that I think has led to some really great Senators, is the ability for Senators to offer amendments, to speak out for the people they represent, to have up-or-down votes, and we would go at it.

If it takes us a week, it takes us a week. If we start early in the morning, and we go late in the night, that is the way we do it. We are legislators. We are out here advocating and speaking and fighting for people we represent.

I thank Senator DASCHLE from South Dakota for essentially saying there is no way we are going to let the majority leader basically dictate to us what issues we should care about, what amendments we get to offer.

We have a different view about good tax policy. We have a different view about how to get the benefits to families. We also have a different view about other priorities that we ought to be dealing with on the floor of the Senate as well.

I will tell you, coming from a State where 65 percent of the elderly people have no prescription drug coverage whatsoever, I would like to see the Senate get serious on that issue. I would like to have an up-or-down vote. I would like to thank the minority leader for protecting my rights.

Finally, I ask the Chair, how much time do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes 58 seconds.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2414 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask unanimous consent to be recognized to speak as in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mrs. FEINSTEIN. Mr. President, I know there is a great deal of discussion going on about the marriage penalty tax. I wanted to stay out of the politics of it, if I could, and just speak about the merits of the proposals for a few moments.

Essentially, what we have are three proposals: the Finance Committee proposal of $248 billion, over 10 years; the Moynihan proposal, which is the Democratic proposal, of $150 billion over 10 years; and then I believe a proposal that is really worthy of very serious consideration by this body, and one which I would support, which is a proposal by Senator EVAN BAYH of Indiana for $90 billion over 10 years.

I believe this proposal is the most sensible and most fiscally responsible way to go about addressing the issue. More than 21 million couples suffer from the marriage tax penalty. In my State, there are close to 3 million of them.

I think providing marriage tax penalty relief is a measure of common sense and a measure of decency. The Tax Code not only can be used for revenue producing, but it is also used to encourage behavior that one believes one should encourage. Certainly getting married is a behavior that one wishes to encourage.

Who generally believes that the marriage tax penalty is unfair? They are young couples. They are getting married. Both of them work. They find out, for the first time, they actually pay more taxes if they get married than they do if they remain single.

These people are generally under the $100,000 earning limit. I have never heard anyone at the top brackets say they find the marriage tax penalty to be unfair. But I have heard considerable testimony from young couples getting married, young professionals: My goodness, we have to pay this penalty. Why is it? How is it fair?

Senator BAYH's proposal strikes right at that heart, and it does so in a way that you can say and I can say—every one of us in this body can say—we eliminate the marriage tax penalty for those earning under $120,000 all across this land within 4 years. I think it is simple. I think it is direct. It is cost effective. And it gets the job done. I think it makes a great deal of sense.

The targeted Marriage Tax Penalty Relief Act provides significant relief by creating a dollar-for-dollar tax credit, calculated by the taxpayer, using a simple worksheet, which offsets and eliminates the marriage penalty for families making under $120,000. The credit is phased out at $140,000.

The bill would also broaden the availability of the earned-income tax credit for low-income working families.

Under this legislation, half of all taxpayers with marriage penalties will have their penalties eliminated the first year. By 2004, it completely eliminates the penalty on earned income for all couples making under $120,000. That is approximately 17.5 million couples.

If you look at the fact that the impact of the majority proposal by the Finance Committee eliminates most of the marriage tax penalty on 21.6 million couples who currently face penalties by year 10, and provides a bonus—this does not provide a bonus; the phaseout in that bill is over 10 years—the phase in the Bayh bill is over 4 years. In the Moynihan bill, 21.6 million couples who currently incur a marriage tax penalty would find relief by year 10.

The beauty of this bill is that all of the marriage tax penalty is eliminated for 17.5 million people by year 4. And less than 10 percent of all households earn more than $120,000 a year. So, effectively, it covers not only 17.5 million people, but it covers over 90 percent of the population who would be affected. It does it at a cost that is much lower than the other two bills—$90 billion.

What I like about it is it gives us the opportunity to actually see tax reduction happen, to actually say that within 4 years the marriage penalty tax is completely eliminated for working families earning under $120,000 a year. We do it for a modest amount of $90 billion over 10 years.

The other bills deal with all kinds of different so-called hidden penalties, but those are not the real things that I think impact the people's drive to eliminate the marriage penalty. It is what happens when you get married. It is the increase in the tax when you get married. This is entirely eliminated within a 4-year period of time. I support Senator BAYH's proposal, and I will be pleased, when he offers it, to be a cosponsor of it. I hope it will have very serious debate and discussion before this body.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend from California for her statement.

This will come out later when we debate this more. I think it is important to note that the proposal advocated by my good friend from California has a certain deficiency, which is that it does not at all address the marriage tax penalty caused by unearned income. The proposal advocated by my friend from California deals only with the marriage tax penalty caused by earned income; that is, by wages and salaries. There are a lot of senior citizens in our country, as we know. Most of their income is unearned income. It is pension benefits, Social Security income. It is not wages or salary. As a consequence, there is about a $60 billion tax penalty over 10 years for senior citizens that is not addressed in the proposal offered by or mentioned by and advocated by the Senator from California but which is covered by the proposal offered by the Senator from New York, the Democratic proposal.

I will address another situation. There are lots of aspects of the marriage tax penalty provision. Again, there is nothing in the code that imposes a penalty on marriage. It is just that because of our combination of progressive rates, a desire to achieve neutrality between married taxpayers and individual taxpayers with the same income, a desire to achieve equality between married couples with the same income but with different distribution in earnings, we end up with this problem. There is no total fix. It is just a matter of trying to figure out what makes the most sense.

This chart deals with only one aspect of the so-called marriage tax penalty. That is the example of the marriage tax penalty in the earned-income tax credit, the EITC, a provision in the law which is to help low-income people who otherwise face a significant tax burden, let alone all the other difficulties they are facing in life with low income. This chart shows first a single mother with two children. Let's say her income is $12,000 a year, which is very common. She, today, would receive an earned-income tax credit benefit of $3,888.

Let's take a single father with no children. Let's say his income is the same; it is $12,000. Obviously, he receives a zero earned-income tax credit. Let's say the single mom with two children marries the individual with no children. Now they are married with two children. Their total income will be $24,000, hers $12,000 and his $12,000. But because of the marriage tax penalty, because of the way the Tax Code works, and in particular the EITC provisions which are very complex, as a consequence of the man and the woman getting married, their now joint earned-income tax credit will no longer be the $3,888, which the woman alone with her two children would receive. Rather, now that they are married, the combined EITC benefit would be lower, in the neighborhood of $1,506, a clear penalty for getting married. It is something we want to fix.

It has been stated several times that the proposal, the Finance Committee proposal helps low-income people by addressing the marriage tax penalty under the EITC. It does, but not very much. The maximum amount of relief that can be received under the Finance Committee bill in addressing a potential $2,382 penalty is $500. That is the maximum amount of benefit under the marriage tax penalty that is addressed in the Finance Committee bill.

Contrast that with the Democratic alternative. Under the Democratic alternative, there would be total relief; that is, a single mom with two children and a single father with no children, when they get married, would receive no penalty. Why is that? Because of the simplicity of the Democratic alternative. The simplicity is, if you are married, you just choose. You file jointly or you file separately. You choose the one which results in lower tax. As a consequence, all of the 65 provisions in the Tax Code which sometimes cause a marriage penalty are addressed. They are all solved.

The minority bill solves completely the marriage tax penalty problems facing some Americans. Contrast that with the Finance Committee bill, which does not solve completely the marriage tax penalty problems facing some married taxpayers because the Finance Committee bill deals with only three of the inequities, not all 65.

This is just one of the inequities the Finance Committee bill does not address very much. There is kind of a little tack-on provision which addresses it. But as a consequence, the Democratic alternative completely solves the EITC problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, we did spend some time today debating the elimination of the marriage penalty tax. This is something I have been working on for all the years I have been in Congress in the Senate. I look forward to the day we can repeal it. I was hoping we would have this vote in the near future. I very much regret the delay that was imposed upon us by the minority because by putting nongermane amendments on this, we slow down what we could accomplish here in the very near future, which is finally to eliminate the marriage tax penalty.

I have an amendment prepared to implement elimination of the marriage tax penalty a lot sooner. I am contemplating offering that. I will see how much support there is for it. Before I do that, however, instead of the proposed phase-in period of 6 years, which is the underlying proposal, my amendment would eliminate the marriage penalty tax immediately, bringing working parents tax relief right away.

According to the Congressional Research Service, as this graph shows, the additional savings my plan would bring married couples over the Roth plan would be almost $3,000. If you look at the years, we go from $69 versus $879 in 2002, all the way over to 2008, where it evens out. The point is, these are savings for a married couple—about $810 in the first year, 2002—if we put it into effect immediately.

With today's cost of living exploding, education, tuition, high prices at the pump, that is a substantial savings for an ordinary working family. I think we ought to make this effective today, as soon as it passes, and not implement it over a 6- or 7-year period. Married couples have been waiting for a large number of years, since this ridiculous provision was put in the IRS Code.

It is not often we have the opportunity to right a wrong around this place, but this is an opportunity. I sincerely hope we take advantage of it.

Today, however, not only do we have the opportunity to turn back a tax, we also have an opportunity to turn back an unjust tax that punishes an institution that is the very backbone of society, at least in most of our minds.

You hear some people say that it isn't. But marriage is the backbone of our society, the essence of our families. One of the reasons why we are having a lot of cultural problems today is a lack of emphasis on the family and marriage. Twenty-five million couples are subject to the marriage tax penalty in America and, frankly, those of us who have not had the courage to overturn that tax over the past several years deserve some of the blame because it punishes married people. In New Hampshire alone, almost 140,000 couples will be hit with a marriage tax penalty. In a small State such as New Hampshire, which only has a little over a million people, this tax is antimarriage, antifamily, and antichild. Children reared in two-parent homes are more likely to succeed in school, stay away from drugs, and not become involved in crime. We should not penalize married couples. It doesn't make sense.

A way for couples to avoid the marriage tax penalty is they could file for divorce and save money or they could not get married and save money and just live together. That kind of tax policy doesn't make sense. The average marriage penalty is $1,400, or more, in additional Federal income taxes, which is more than $100 a month. That is an extra $1,400 that could be used to buy school clothes for kids, pay for a home computer, perhaps, or a little health insurance, or maybe take a family vacation. The point is, you would have control over an additional $1,400 to do with what you want, and not have the Government taking your money whenever it wants.

I have received a lot of mail on this issue over the years asking for relief—I might say, begging for relief, for the Congress to do something. Just one example. A gentleman by the name of Roy Riegle from Derry, NH, wrote this:

> I am a software engineer working in Merrimack and living in Derry. Via the Web, I just learned of the House Passage of the ''Marriage Tax Cut'' bill. (I think it is H.R. 6). I want to heartily encourage you to vote for this bill when it reaches the Senate. We are one of the classic middle class families (I'm an engineer and my wife teaches in Chester) who are trying to pay for our kid's college education. Our cost to send our second daughter to Trinity College in Hartford, Connecticut, next year is expected to be $20,000. We need assistance of some sort, and this will help. Thank you for your consideration.
>
> ROY RIEGLE.

That is so true of many families trying to meet expenses and pay education costs. For all these millionaires and billionaires you read about and hear about all over the country making all this money, maybe $100 a month isn't important. But it is real important to people such as the Riegles and so many others who have written me on this issue over the years.

Since 1970, the number of dual-income couples has risen dramatically and continues to rise. It is these families who will benefit from the repeal of this tax. What an outrageous tax this is, to discriminate against people who are married. It is just un-American, and how it ever got in the code is beyond me. Why it hasn't gotten out in all these years is beyond me.

I think we should understand that the reason why, as we stand here now, we have not been able to pass this on the floor of the Senate today is because of delays, because the other side wants to offer nongermane amendments to slow it down, to say we have to pick and choose which family gets a break. You have to be in a certain income tax bracket, or you have to be a certain type of person to get a break, and all this nonsense. Everybody should get the break. The marriage tax penalty itself is unfair. It is not more or less fair for one family or another, depending on the income. It is an unfair tax. Let's get rid of it, period. There is nothing complicated about that. This year, Americans will give 39 percent of their income to the Federal Government. As tax levels rise, women who might otherwise stay at home are forced to enter the job market. The percentage of single-worker households in the U.S. has plunged to 28.2 percent, compared with 51 percent in 1969. However, the harder parents work to keep pace, the greater their chances of moving into a higher tax bracket and winding up giving more to the Government.

Mr. President, in conclusion, these families are right. These taxes do penalize. If we are going to penalize the sacred institution of marriage and offend our sense of decency and morality, if that is what is going on in the Tax Code, we need to correct it.

We should be encouraging the makeup of the family, not the breakup of the family. We should bring tax relief to married couples today—not tomorrow, not next year, not 6 years down the road, but today. They have waited all these years with this discriminatory tax. We can never make it up to them, so let's start today and make it effective today. We can bring tax relief to these couples by passing my amendment and, if not mine, at least we should get started with the underlying bill. It is better to do it down the road, over the course of 6 years, than not at all. With my amendment, we can do it immediately and save all of this money each year for each of these families.

(Mr. ALLARD assumed the Chair.)

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, I want to talk on a subject that has been in the news a lot. I will take a few minutes of the Senate's time. I have been involved in a lot of issues. I have debated just about everything known to mankind on the floor of the Senate, as have most of us. I am in my tenth year in the Senate, and I have never been involved in an issue that has gotten to my heart more than the Elian Gonzalez case—never. Last night, on the Geraldo Rivera show, a poll was shown saying 61 percent of the American people said Elian Gonzalez should go back to his father, and 28 percent of them said he should stay here in America.

Here is this little boy who floated in the ocean on an innertube after his mother died trying to bring him to America. So we are now going to conduct policy about what to do about Elian by reading polls. Where is the leadership in this country when we need it? This is not about polls. I don't care what the polls are. I could care less what the polls are. If Lincoln had taken a poll on slavery, we would probably still have slavery because the majority of the people in America at that time supported slavery. But he didn't take a poll or put his finger to the wind. He did what was right.

Again, I plead with my colleagues in the Senate to grant Elian Gonzalez and his family permanent residency status so this issue can be handled by a Florida custody court. This should not be an immigration matter. Elian Gonzalez did not get on a yacht and cruise into Miami Harbor. He and two other people almost drowned while everybody else on the boat—10 or 12 other people —lost their lives. And his mother's dying wish was to ''please get my son to American soil.''

I have heard a lot about the father's rights. I have nothing against him. He could be the nicest guy in the world. I have met Elian. I didn't get a chance to meet Elian's mother because she didn't make it. If she had made it, we would not be here talking about this because, under the law, she and Elian would be allowed to stay here. So because she died, Elian has no rights.

Those of you listening to me now who think this is a father-son issue, I want you to listen carefully to what I have to say because it is not a father-son issue. That is a totally bogus argument. There are reports in Miami that Elian is reluctant to travel to Washington to see his father. He is a frightened little boy. Wouldn't you be after you survived that? Has anybody listening to me now ever gone through an experience like that—floating on an innertube on the high seas for 3 days, after you watched your mother die, and everybody else on the boat is gone except two others he didn't know were alive because they were drifting off somewhere else. And then to be sitting in a home in Miami, with people who love him, who have taken care of him, and to wonder if today, right now, tonight, tomorrow morning—he doesn't know when—maybe noon tomorrow, in comes the large, sweeping hand of the Justice Department and Janet Reno, and they yank him from the arms of these people who love him and drag him back to Cuba. That is what he is sitting through now and worrying about now. He is a frightened little boy. When are we going to be concerned about this frightened little boy?

I am tired of hearing about everyone else's rights in this debate. I am sick of it. I am sick of the fact that I can't get a vote on the floor of this Senate because the people do not have the guts to vote. They do not want to be recorded. I am sick of it because this little boy is going to be dragged back to Cuba, and he is going to be used as a pawn in Castro's—God knows what—forsaken land over there. And we have to live with it. We ought to be recorded, and we ought to be on record. We ought to stand up and be counted. I am sick of it. I have been quiet too long. I am not going to be quiet anymore.

He is fearful of returning to that country. I talked to him. He said: Senator SMITH, please help me. Don't send me back to Cuba. I said: Elian, do you love your father? Do you want to go back with your father? He says: Yes. I want to be with my father. I don't want to go back to Cuba.

Mr. Gonzalez, if you are listening to me, why don't you defect? It is a heck of a lot better here.

I am going to tell you that there is one shining example of why it is not about father and son. It is not about father and son. I am sick of it. Listen to me—one shining example of the human rights violation of Fidel Castro.

Where are all the human rights people who care about this? Where is the Catholic Church that sheltered all of these Communists during the Nicaraguan and El Salvador issue? Where are they? Silent.

Let me tell you about Fidel Castro and what little boys such as Elian look forward to, and what Elian will have to look forward to when he is dragged back to Cuba—for his father. Give me a break, Ms. Reno.

On July 13, 1994, 72 Cuban men, women, and children boarded the *13 de Marzo*, a tugboat, trying to sail for freedom to the United States, just like Elian did. Less than 3 hours later—3 hours later—32 of them would be forced to return to Cuba—they were the lucky ones—while the other 40, 23 children among them, were left by the Cuban authorities, their bodies scattered at sea.

At 3 o'clock in the morning, 22 men and 30 women boarded a recently renovated World War II tugboat in the Bay of Havana. With them were over two dozen children, one an infant, and several others between 5 and 10 years old.

I am going to show you some pictures of the children who boarded that boat who never returned. I want to show you pictures of children who died such as these children right here:

Caridad Leyva Tacoronte, dead, 4 years old;

Angel Rene Abreu Ruiz, dead, 3 years old;

Yousel Eugenio Perez Tacoronte, dead, 11 years old.

Let me tell you how they died with this dictator who tells you that he wants to welcome this little boy back to Cuba so he can be with his father. If Castro had caught him, he would be dead. All of them would have been. He would have killed them. But he didn't catch them. They drowned.

Now Elian has to be told that he has to go back. His father said the other day, ''Four months I have been waiting for my son.''

Where have you been, Mr. Gonzalez? Nobody is stopping you from coming here, except Castro. We don't have any policy that says you can't come here.

Let me tell you what happened to these kids. This little tugboat was detected, and it was approached by the Cuban coast guard. The government boat did not attempt to stop the *13 de Marzo*, the boat. It didn't try to stop it. Instead, it stalked it for 45 minutes along the coast of Cuba, 7 miles out at sea—stalked it, intimidating it.

The U.S. Coast Guard protects life. The Cuban coast guard exterminates life.

It was then that the government vessel, beyond the sight of any witnesses on land, rammed this defenseless boat. This is 1994. This isn't 1959. This is 1994, 6 years ago. Defenseless people were in a little tugboat which was rammed by the Cuban coast guard.

According to the testimony of several of the survivors, two Cuban government firefighting boats appeared and began to pummel the passengers with high pressure firehoses.

You can imagine how horrible that was.

Although the passengers repeatedly attempted to surrender to the government officials—even women holding their children up on deck, saying, please, my children; it is my child; don't kill my child. They were begging for their lives, but they were relentless, this wonderful Castro who is so concerned about getting this little boy back to his father in Cuba.

The force from the firehoses you can imagine. One survivor, Mayda Tacoronte Vega, told her sister that she witnessed children sprayed from the arms of their mothers into the ocean waters. Other children were swept over the deck by the firehoses into the sea and drowned. Desperate to protect their own children, the women carried the remaining children down into the boat's hold.

Gerado Perez Vasconcelos, whose ex-wife and son perished that day, told of how the firehoses were filling the hold with water. The boat sank, and she didn't see anybody coming out of the hold.

With most of its weaker passengers already drowned inside the hold, or in the sea, the tugboat filled with water, cracked in two, and was rammed again just to be sure, and it sank.

Over the course of a few minutes that day, Maria Victoria Garcia lost her husband, her 10-year-old boy, her brother, three uncles, and two cousins. For what? For trying to get out of Cuba, this place that we are going to send Elian back to, maybe tomorrow.

Her poignant testimony revealed what happened to her and her son once they were in the water. ''We struggled to stay above water by clinging to a floating body.''

I wonder what Fidel would have done if Fidel had found Elian floating in the tube rather than these two fishermen.

''We struggled to stay above the water by clinging to a floating body,'' this woman said. ''I held onto this body because I just didn't have the strength to go on. But people fell on me, and my son slipped from my grasp,'' just as Elian's mother slipped from his grasp.

The young boy could fight the huge waves created by the Government vessels, and his mother was forced to watch helplessly as her baby drowned only 5 feet away.

Angel Ruiz, 3 years old, Fidel Castro, that wonderful, little child-loving dictator over there, took care of her.

There is Yousel, he is 11.

Nineteen-year-old Janette Hernandez Gutierrez also courageously attempted to save the life of a child just before the boat was fully submerged. ''We went to look for the other child. Just as I was about to get off the boat, I felt the child * * * had caught my foot. And when I was about to grab him, my shoe slipped off and down he went. I couldn't reach him. That was horrible * * *.''

Hernandez went on to describe the scene of the massacre: ''There was a child who was inflated like a toad, inflated with so much water.''

The merciless attack left 23 children and 17 adults dead in the Florida Straits.

You say: Oh, well. That was just a bunch of Castro's goons who got a little excited; no big deal. This is not about that. Elian's father loves him. He should go back.

Here is what Castro says about Elian, in case you want to know:

''The team is ready,'' Castro said, referring to when Elian comes back, ''to proceed without losing 1 minute with the rehabilitation and readaptation of Elian to his family.''

Yes. Absolutely. You talk about psychological trauma. You don't know what psychological trauma is until you deal with what this little boy has to deal. Not one person in the Justice Department has asked Elian one question about what he wants.

I have been there. I have talked to him.

The 32 survivors—maybe they were lucky. Maybe they weren't. They were taken to a prison where they have to endure life separated from their surviving relatives.

Not only did the agents refuse to search for the dead, they mocked the survivors and the relatives of the deceased and laughed at those who asked the state security to reclaim the bodies, said Geraldo Perez in a tearful press conference.

The officials said the drowned were nothing other than counterrevolutionary dogs. Will we send this ''counterrevolutionary dog'' back to Castro? Is Elian a counter-revolutionary dog? Elian had a taste of freedom. What if he resists the lack of human rights in Cuba? Will we hear about it? I don't think so. We will not hear about it, but Elian will hear about it. What do you think his father will be able to do about it?

I ask some of my critics on the 61 percent, pick up a book about Fidel Castro's Cuba and look up the word ''pioneers.'' Let me tell you about the Pioneers. Elian was a Pioneer before he escaped. What do Pioneers do? They have a little indoctrination school. Here is one of the little drills they do for the children at the age of 3: Hold your hands out—put on a blindfold. Hold your hands out, ask God for some candy, and wait. No candy comes. Close your hands, put them down. Put your hands back up again, ask Fidel Castro for some candy, and watch it pour into your hands.

That is what Elian has to look forward to. It is called brainwashing—nothing complicated about it.

The Union of Communist Pioneers is a compulsory political organization for children and adolescents created by the government for youngsters in kindergarten to 12th grade. It functions as the first step toward joining the Union of Communist Youth. Approximately 98 percent of the children in elementary school are enrolled. It is not presided over by a child or adolescent, as one would expect, but by a high-ranking adult member of the Union of Communist Youth.

Don't give me this stuff about him going back to his father. He is not going back to his father.

What about his mother? Why does she not have rights, too? She had custody. She was taking care of him. The dirty little secret which Mr. Gonzalez will not talk about, because he can't, because of the long arm of Castro—where is he? He is in Bethesda, in a Cuban diplomat's house. He has a lot of free time to talk there. He can speak freely there, can't he? Reno has the nerve to say: We talked out there, we talked alone, and he didn't say anything about defecting.

Come on, give me a break. Attorney General Reno, you could have stopped it 4 months ago, and you can still stop it today. Let it go to a custody court. Get out of it. It is not an immigration matter. He didn't immigrate here in the way we define immigration. Let it go to the custody court in Florida, and let them decide, if they need to. Let the family sit down alone without Fidel Castro, without any government officials, and let them talk about it. If they can't work it as a husband and wife can't work out custody of their children, go to court, and let the court make the determination based on all of the facts.

There is a dirty little secret about Mr. Gonzalez. Yes, there is. Did he know Elian was coming? Sure, he knew. He knew they were leaving. He was called when the child was picked up and went to the hospital. The doctors wanted to know whether he had medical problems or history they needed to know about, so they called him in Cuba while the family was there. He said: Take care of my son; I will be there soon.

We are not hearing about that, are we? We will not hear about that because we don't want to do anything to make Fidel Castro angry at the United States. After all, Bill Clinton wants a legacy of breaking down the barriers between Cuba and the United States. That is what this is about. Let's get real. God knows, he needs something to save his legacy, so we will take it out on Elian Gonzalez. After all, he is an expendable little kid. We don't care about him. That is just one kid. Let him go back to his father.

If your son was lost at sea for 3 days and everybody on the boat drowned and somebody found him, I don't care who it was—it could be a convicted murderer who found him, who cares—if he found him and brought him home, wouldn't you ''thank him?'' Wouldn't you say ''thank you''? Wouldn't you thank those who took care of him, if you loved your son?

Let me state what happened. There was no thank you. When he got off the plane, he said: They were a bunch of kidnappers. I want my kid back. They kidnapped my kid.

Kidnapped my kid? I am not passing judgment on this guy. He could be the greatest father in the world for all I know, but he will not get a chance to be a father because the Cubans have already said this boy is the property of Cuba, not Mr. Gonzalez. Mr. Gonzalez will do what he is told.

I want your kid.

OK; when do you want him? Where do I take him? Where do I drop him off?

As recently as April 2, Fidel Castro called the Miami relatives of Elian Gonzalez, Elian's unpunished kidnappers. Do you think little Elian will go back and tell his classmates and his father and those people in Cuba that these people were kidnappers who took care of him, who saved his life, the fishermen and the family who took care of him? I don't think so. What will happen? We can't afford to have little Elian running around saying bad things about Cuba or good things about America. No. Elian will pay the price.

We don't have the guts to stand on the floor of the Senate as a Senate, all 100 Members, take a vote and say he should go back to Cuba or the case should go to court.

Some say we might lose. Yes, we might. I think the vote count is probably 45—maybe. So what? We could take a walk on a number of issues before this body such as whether or not we should go to war in the Persian Gulf. We could have taken a walk on that and let the President go ahead and do it, but we took a vote. It was a tough vote. We take a lot of tough votes around here, and a lot of people die as a result of votes, especially when we vote to go to war.

The headline in ''Granma,'' the Communist Party newspaper, after the incident was: ''Tugboat Stolen by Anti-social Elements Loses Stability and Sinks.''

On August 5, 1994, Fidel Castro declared that the roots of the accident were manifested in the conduct of the United States; it was the United States' fault that these kids drowned.

Dr. Marta Milina, a Cuban psychiatrist who escaped Cuba in August of 1999, stated: If Elian Gonzalez is returned to Cuba, he would have severe psychological trauma.

Is that in the best interest of Elian? Is it about Elian? Or is it about his father? The answer is, a custody court would know that because a custody court, if the family could not agree, would listen to the facts. They would make that determination. But they have never spoken, and the Justice Department has never spoken to Elian.

This is one smart little boy. Meet him. And I am sorry the Attorney General does not believe it is important enough to meet him, but I will never forget him. He carried around a little statue of the Virgin Mary in the home where we were. I said: Who is that? He said: Virgin Mary. He said: I saw her while I was on the raft.

Another story that is not recorded, and the fishermen will tell you, when they found him, he was floating in that little tube, asleep. You can substantiate this by talking to the family if you don't believe me. He was in the ocean for 3 days in the bright sunshine, didn't have a sunburn, and he was surrounded by dolphins, and dolphins will ward off sharks.

This little boy is a very special little boy in more ways than one. The fact that we allow him to go back to Cuba under the auspices of uniting a father and a son is the most outrageous decision this country will ever make. Frankly, I do not want that blood on my hands. I know that is tough talk, and I mean every word of it. I don't want it on my hands. I have seen too much of it.

I am not going to read all the names, but they will be printed in the RECORD. The children in that incident, 4 years old, 11 years old, 11 years old, 6 months old fire-hosed out of the arms of her mother, 2 years old, 3 years old, 10 years old, 4 years old, 3 years old, 11 years old, 2 years old—that is the age of the children.

Let me close on a couple of points. Edmund Burke once said:

> All that is required for evil to succeed is for good men [and women] to do nothing.

Today we can do something. We can grant Elian Gonzalez and his family permanent residency status, which will send this case to the family court where Mr. Gonzalez can make his case without any Castro influence. We should have done it the day Elian got back, but we did not. We decided to make this a big political issue between the administration and Castro. So Castro starts whining, and suddenly this administration thinks the case has to be in INS's jurisdiction. We could not kowtow to a Communist dictator. What does Castro care about the interests of this little boy? I told you what he thinks of this little boy.

There are no parental rights in Cuba. The children are taken away into these training camps. They are taught all kinds of drills. They are taught how to take an AK–47 apart, blindfolded, at the age of 6.

Luis Fernandez, a Cuban diplomat, said as recently as yesterday:

> The boy [Elian] is a possession of the Cuban government.

Cuban children, my colleagues, do not belong to their parents, they belong to Fidel Castro.

Article 39 of the Cuban constitution—it would be nice if some of the 61 percent of the people who say this had the facts. It would be nice if the pollster gave them the facts before they answered the question. Article 39 of the Cuban constitution, adopted in 1976 and revised in 1992, declares:

> . . . the education of children and young people in the spirit of communism is the duty of all society.

Law No. 16 of the ''Children and Youth Code,'' adopted in 1978, says the state's goal is the creation of ''Communism's new generation'' and requires all adults to help mold a child's ''Communist personality.'' If the parents do not bring up the children to be good Communists, then the neighborhood spy will report them to the authorities and they will be taken away and ''reeducated.''

Talk to some of the Vietnamese who escaped Vietnam and ask them what a reeducation camp is. If anybody thinks little Elian Gonzalez will not be put under a severe and thorough Communist indoctrination when he goes back, then they are blind. He is going to suffer. He is going to pay—big time. For what? Surviving a near drowning, surviving a wreck on the open sea. That is why he is being punished, because his mother did not live.

She has rights, too, but we don't know about them. But somebody could represent her in a custody court and put her rights on the record. But not Janet Reno.

Let me give a little idea of what he is going to do some summer when he gets back. He is going to be in a ''voluntary″ labor or military drill camp. He will learn there is no religion but communism. He was put in a church a few days after he arrived. He had never been in a church before in his life. He didn't know what the inside of a church was.

He will learn that Fidel is God. He will learn the Communist Party is of more value than his father or anybody else in his family. He will be told his Miami relatives who cared for him and loved him, including his surrogate mother, Marielysis, are nothing more than traitors and worms and kidnappers. That is the language they use.

Marielysis Gonzalez, 21 years old, has been hospitalized off and on for the past 2 weeks because this little boy clings to her every day. He will not leave her alone. Every time somebody knocks on the door, every time somebody comes in the yard, every time the phone rings, he wonders if somebody is going to take him away. And he asks her: Marielysis, are they going to take me today?

How would you like to live like that? That is what Janet Reno has put this boy through for 4 months, and I am sick of it. I am not going to defend it. She has put him through it. It is her responsibility and the President's. These people have been vilified, these good people, these decent people in the Cuban-American community in Miami—good, decent people who have shown a lot of self-restraint, frankly, under the circumstances, but especially Lazaro and Marielysis and other members of that family who have taken such good care of this boy. All they care about is the best interests of the boy.

It is funny, I did not hear some of those people saying anything about the rule of law—these same people today who are saying, the rule of law says he must go back with his father. It is funny, though, those same people when their President, the Chief Executive of our country, was impeached for repeatedly breaking our law, not one of them had the courage to step out and say: He broke the law; he lied to me.

It just depends on whose law it is, doesn't it, and whose law you break. That is what matters.

I believe in the rule of law, but can you understand why they do not want to send Elian back to a totalitarian state? I have talked to the family about this. They love Juan Gonzalez. He is a family member. There is no difficulty between these family members. The reason Mr. Gonzalez did not come here is that he could not come here. The reason Mr. Gonzalez can't defect is that he is afraid to defect because he knows what is going to happen to some of his family who are still back in Cuba. We are playing the game. We are just giving them all the cover.

''I spoke to Mr. Gonzalez, and he didn't indicate to me he wanted to defect.''

Do you remember learning about the Fugitive Slave Law of the 1840s and 1850s? It made northerners return escaped slaves back to their masters. Would anyone begrudge abolitionists who opposed that law?

Picture this: A little black child in 1840, Anywhere, U.S.A., in the South, picked up by his mother. His father says, ''No, get away, I'll cover for you.'' She takes the Underground Railroad and makes it to the North and is caught. She dies. Same logic—send him back to the father. Send him back to slavery.

This kid is going back to slavery. He is not going back to his father; he is going back to slavery. So all of you out there, all 61 percent, including many of my colleagues, when you watch him paraded around the streets of Havana as they teach him to become a pretty good little Communist, think about it. Think about how you might have stood up and prevented it.

In 1939, the U.S.S. *St. Louis* arrived from Germany with 937 refugees aboard. Do you know who they were? Jews fleeing from Hitler. The ship was denied entry because the law did not allow it. The refugees went back to Europe and Hitler and to their deaths. Was it right to uphold the law in that case?

The fact is, no law governs this case. Janet Reno is not telling you the truth. She has total discretion. There is no law that is dictating to her that she has to send this boy back. No law. Show it to me. Somebody come to the floor and read to me the law that says the Attorney General must return this boy. There is no such law. There is nothing in the law that says it. There is no age restriction. There is nothing. What it says is that she has discretion. So her discretion is to send him back, but do not tell me it is the law because it is not.

She made the wrong decision. With this simple bill, on which I have been trying to get a vote for a month, Senators can be on record as saying it is wrong to make this an immigration case. He has rights. He is only a 6-year-old boy, but he has rights. His mother had rights. Let's let the family sit down and talk about it without the Justice Department. Let them meet alone. If they cannot work it out, they can go to the Florida custody court and decide what is in the best interest of Elian. That is the way it should be.

Will evil succeed, as Mr. Burke said? That could be Elian. That could have been Elian and might still be Elian. My conscience is clear.

GAS TAXES

Mr. HATCH. Mr. President, yesterday, the Senate voted on a cloture motion to end debate on Senator LOTT's proposal to roll back the gasoline excise tax. Senator LOTT's bill is a sincere effort to address the hardships many Americans have been facing given the rising price of gasoline at the pump.

I commend the majority leader for this legislation. But, I do want to clarify my vote on the cloture motion.

I voted for cloture because I believe the majority leader, of all people, deserved an up-or-down vote on the proposal. I also believed that, if we were going to vote to cut or maintain the current gasoline tax, we ought not to confuse the American people about where we stood by deciding this issue on a procedural vote.

Unfortunately, because cloture was not invoked, and there may not be a vote up-or-down on the proposal itself, it seems that Utahns are indeed confused about where I stand on this issue. As it frequently happens, the vote on the procedural motion becomes a proxy for how a senator would have voted on the bill. However, that assumption does not hold true for me in the case of this gas tax proposal. I would have reluctantly voted against it.

While I respect Senator LOTT for his effort at providing relief for truckers, farmers, landscapers, salesmen, and everyone else who depends on his or her vehicle, I have an equal concern for the quality of the highways they drive on.

It is unclear to me that the loss of revenue that would have resulted from passing this legislation could have been immediately made up from other programs, thus necessary highway construction and repair projects in Utah and around the nation could have been delayed.

Moreover, I believe that there are other measures we can find should take to address the issue of high gas prices. In the long-term, we should encourage development of alternative fuels vehicles. Toward this end, Senator JEFFORDS and I will be introducing legislation later this month that will provide strong tax incentives for the development and purchase of such vehicles, along with the alternative fuel they use.

I also believe that there are other tax relief initiatives that will have greater positive impact for American families, and I will continue to press hard for these proposals.

Mrs. FEINSTEIN. Mr. President, yesterday, I spoke on S. 2285. I now ask unanimous consent that an ARCO letter concerning gas prices be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARCO,
Los Angeles, CA, April 5, 2000.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your phone call on Friday, March 31, regarding gasoline prices in California. During that conversation, you inquired regarding the status of ARCO's gasoline inventory. I have outlined below some statistics that were not available to me when we talked.

Currently, ARCO's inventory of CARB gasoline is at our operating target. Total industry gasoline inventories on the West Coast appear to be recovering. The last weekly West Coast gasoline inventory report showed an increase of 1.5 million barrels over the previous week, which was the low point of the year.

With respect to the issue of gasoline prices, no one can predict the future. However, crude oil prices have been coming down over the last few weeks as a result of the recent OPEC meeting. Spot prices also appear to have peaked. Barring some unforeseen circumstances, we can assume that retail gasoline prices will follow suit.

I hope you find this information helpful.

Sincerely,

MIKE BOWLIN,
Chairman and Chief Executive Officer.

Mr. GORTON. Mr. President, American consumers are feeling the impact of high oil prices. Obviously, the increase is noticeable at the gas pump, but it also is being felt in less visible ways through increases in the cost of goods and services as airline prices and shipping costs escalate. I have stated, in no uncertain terms, that I consider responsibility for the current situation largely to lie at the feet of the Clinton-Gore Administration. Thanks to nearly eight years of their short-sighted policies, we are increasingly dependent on foreign oil. To make matters worse, not only does the Clinton-Gore Administration not have any clear plan to reduce our dependence on foreign oil, they actually appear to be moving in the opposite direction, seeming at every turn making it more difficult to develop domestic energy sources, whether it be gasoline, petroleum products, coal, oil, or hydropower.

As it is largely through the bungling efforts of the current Administration that we are in this situation, I believe it is appropriate that the U.S. Senate counterbalance their efforts with some modest relief. A suspension of the 4.3-cent federal fuel excise tax, imposed in the early days of the Clinton Gore administration, should provide the short term relief consumers deserve.

As Congress addresses these issues, however, we must seek a solution that not only attacks this problem from the perspective of energy supply, but also energy use. A key aspect of any debate on this subject must focus on motor vehicle fuel consumption. The United States currently uses about 17 million barrels of oil per day to run cars and trucks. Thanks to the existence of Corporate Average Fuel Economy, or CAFE, standards, three million barrels of oil are conserved each day. Despite the clear success of CAFE standards, however, Congress has prevented the National Highway Traffic Safety Administration (NHTSA) from even considering whether we can do better, particularly in relation to the fuel efficiency standards of lights trucks, which haven't been significantly increased in ten years.

Many constituents and colleagues are often surprised to learn of my advocacy for CAFE standards. My motivation is simple, and is based on the success of the original CAFE statute. I feel that NHTSA should at least be allowed to study whether an additional increasing CAFE standards is an appropriate action. As you may know, light truck standards have not had a significant increase in the last ten years. Light trucks are regulated separately from cars and are only required to get 20.7 mpg on fleet average as opposed to 27.5 for cars. In 1983, the average fuel economy of light trucks was already 20.7 mpg. Since 1983 it has dropped .3 mpg to 20.4. This is hardly a technological breakthrough.

I am not swayed by doomsday predictions from automakers who claim they will be forced to manufacture fleets of subcompact cars. These are the same arguments that were used during the original debate in 1974. One only needs to examine the possible options available to consumers today to disprove this theory. When consumers can purchase SUVs as large as the Chevy Suburban or Ford Excursion, it is hard to argue that consumer choice has been compromised. I have complete faith in American automobile manufacturers that they can continue to produce fuel efficient vehicles that are the envy of the world.

Therefore, it was with great interest that I listened to Energy Secretary Bill Richardson testify before the Interior Subcommittee this morning on the Clinton Administration's multi-faceted plan to address high gasoline prices. This testimony focused on a lengthy discussion of the results of last month's diplomatic efforts. When pressed on the Administration's plan to decrease this country's dependence on foreign oil sources, Secretary Richardson went on to tout his proposals to improve alternative fuel options and fuel efficiency. He suggested tax incentives and credits for U.S. oil producers, fuel efficient vehicle production, and alternative fuel development. Unfortunately, there was no mention of CAFE standards.

In response to this omission, I had to ask why this Administration has failed to actively support new fuel efficiency standards. When I pressed Secretary Richardson to commit to making CAFE standards a centerpiece of the Clinton-Gore Administration's effort to address the current fuel shortage and long-term foreign oil dependency of this country, he ducked the question and told me he wished the EPA Administrator was available to answer.

I am perplexed by this response. Obviously, U.S. auto manufacturers have demonstrated they are more than up to the challenge of producing more fuel efficient light trucks and SUVs. In fact, Ford Motor Company just announced plans to start selling within three years a hybrid gas-and-electric-powered SUV that gets about 40 miles per gallon.

Therefore, I fail to understand why the Clinton-Gore Administration can't make simply studying a possible increase in CAFE standards a top priority in this debate. I challenge the White House to embrace this common sense approach, which is certainly preferable to the groveling diplomacy it engaged in just weeks ago.

ADOPTION OPPORTUNITIES ACT

Ms. LANDRIEU. Mr. President, I rise today to speak about the Adoption Opportunities Act which would amend the current adoption tax credit so it does what it was originally intended to do, and that is to help all kinds of families in their efforts to adopt all kinds of wonderful children.

I would like to begin my remarks this morning by introducing you and my colleagues to someone very special. This beautiful little girl's name is Serina Anglin. Serina was born, as you can see here, prematurely and severely addicted to drugs. Her mother was a 15-year-old girl who herself had been abandoned in a crack house by her drug-addicted mother.

At birth, doctors were all but certain Serena would not survive. When she was just a few months old, a neurologist described her in the following way:

> In summary, Serina is a severely manifold handicapped child whose significant defects are in social, adaptive, affective, and cognitive development.
>
> Serina has cerebral palsy as well as other multiple problems including crack cocaine prenatal addiction, history of herpes and encephalitis, and seizure disorders including epilepsy. . . . Her ability to walk is very uncertain. I think she will fall into the moderate to severe range of retardation.

However, through the grace of God, Serina came into the home of a wonderful couple, Hal and Patty Anglin, of Wisconsin, who are now her adoptive parents. I want to show you a current picture of Serina. Through their love and determination, Serina has not only survived but her progress has simply amazed medical experts.

Today, Serina is a remarkable child. She still has some small seizures, but her larger seizures are all but gone. She not only can walk, she recently learned to ride a bike. Each day she is becoming more and more active. She is true and living proof that the love of a family, growing up in a nurturing environment, can make what was deemed impossible possible.

This is not to say this miracle came easily. In the beginning, Serina's care required that she go to the doctor over 16 times a month. For the first year of her life, her adoptive mother, Patty, carried her in a tummy sack to simulate the safety and warmth she had been deprived in the womb. She had to be taught how to breathe and swallow. She has had several surgeries on her leg which was damaged as a result of prenatal drug exposure.

I tell this story today because I cannot think of a better way to show my colleagues why the current tax credit needs to be changed. Serina was born to a mother who was a ward of the State. So upon her birth, she was immediately placed in foster care, as I explained. As such, when the Anglins, who were her foster care parents, went through the formal adoption process, the process of adoption cost them almost nothing.

Therefore, under our current definition of qualified adoption expenses, they were not eligible to receive one single dime of the $5,000 tax credit that is supposedly available under current law. Had Serina, this beautiful little girl, been a healthy infant voluntarily given up and adopted privately or through one of our many able agencies, the Anglins would have been eligible to claim the $5,000 tax credit. I am sure my colleagues will agree this was not our intention when we passed the adoption tax credit.

In the case of children in foster care with special needs, what gives many parents pause is that everyday care of these children can be both physically and financially draining. I cannot tell you how many foster parents tell me the only thing standing in the way of their formally adopting foster care children is the worry that their personal resources will be inadequate to properly care for them. Through a properly drafted and funded adoption tax credit, we can be the partners with these prospective parents whose hearts are ready to take on this responsibility.

It is a small step in the right direction but a very important step. A tax credit for special needs children logically should assist parents, such as the Anglins, with the everyday long-term costs of raising a child with special needs and should not be limited to the expenses of the ''act of adoption'' itself. The current definition is limited to ''qualified adoption expenses.'' That is too narrow to reach children such as Serina who need our help the most.

The Adoption Opportunities Act, which we introduce today, proposes to fix this dilemma. It allows a straightforward $10,000 tax credit for families who adopt a child with special needs. The new tax credit for special needs children will not require the parents to submit verification of their expenses, nor will the amount be dependent upon the cost of adoption itself.

I know many of us have argued for years about simplifying the Tax Code. I am hard pressed to imagine a way that would be more simple than the one Senator CRAIG and I are proposing, for all a parent has to do is simply attach a certificate of adoption for any special needs child to their tax return and they will get, under this bill, a $10,000 credit that can be carried forward for 5 years. It is that simple.

Another problem lies in the fact that the current tax credit for nonspecial needs children is due to sunset in December of 2001. Hoping to ensure the credit was well designed and necessary, the drafters of the original bill agreed to reevaluate it after 5 years. We have done that and have included that in our bill. It permanently extends the $5,000 tax credit for adoption and almost doubles the adoption tax credit for special needs.

Because of this assistance, many families, who might not otherwise have been financially able to do so, have been able to build a family through adoption. Last week, in fact, I had the great honor of attending a ceremony when 17 children from 14 different countries became citizens of the United States. All of these children were brought here to be adopted into loving and wonderful homes of Americans from all parts of our country.

At that gathering, one of the mothers who had adopted two children came up to me and said: Senator, please let them know in Congress how much we appreciate the adoption tax credit. It made all the difference to me and my husband as we decided to adopt our second child.

So we know that tax credit works. We know it has a positive impact, and part of our bill today extends that permanently so families can count on it.

With the cost of adoption still on the rise, this tax credit is an important factor, as I have mentioned. It has been estimated that adoptions can range anywhere from $10,000 to $20,000, whether done privately or through an agency domestically or internationally.

Another figure to keep in mind is one that was released recently by a national adoptive parent organization. They estimate that using specialized foster or adoptive parents instead of what we do now, which is congregate care facilities for drug-exposed children, could save—and I believe the Senator from Texas, Mr. GRAMM, will be interested in this as he continues to fight for ways the Federal Government can save our money—they estimate we can save as much as $550 million a year by relying on adoptive parents instead of keeping many of these children in the ‘‘system,’’ for which the taxpayers pay. Anything we can do to encourage adoption will not only be the right thing, the moral thing, the wonderful thing, and the family values thing to do, but it is smart for the taxpayers of the United States.

In addition, in case people are interested, there are more than 100,000 children in this country today waiting to be adopted—children who have had termination with their biological parents. They are waiting for someone to claim them as their own and to be adopted. There are 550,000 children in foster care. About 450,000 of those are in the process of either being returned to their families or they, too, can be eligible for adoption. Clearly, there is a need to promote adoption in this country that works for the benefit of birth parents, adoptive parents, and the children.

Finally, for parents to raise a child in their home, the estimates for a middle-class family are about $140,000. That is not including college tuition or vocational education. That is just an estimate. The least we can do is help in a small way with a $5,000 or $10,000 tax credit to encourage families to be their partner in this adoption effort.

I believe not only does it simplify the Tax Code, but there is a great need, and the need has been demonstrated. The results have been terrific. We have had testimony after testimony about how important the current system has been, so anything we can do to improve it I am sure will be welcomed by so many. It is a step in the right direction.

I close by saying, as we debate which tax credits to pursue, which are worthy, this adoption tax credit should be on the top of every list. We need to continue to be bold enough to take these steps because every time we do, children such as Serina, for whom people have given up hope, have found families on which to rely and with whom to grow.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas.

Mr. GRAMM. I commend our colleague from Louisiana. Today we have 130 million people who work outside the home and earn income. We have some 260 million Americans. About 30 million of them get some form of public assistance. You might ask yourself: Who takes care of the other 100 million Americans? They are taken care of by families. And the driving force is love.

So not only is the distinguished Senator from Louisiana talking about saving money, but what adoptive parents will add to the equation is love and care. The whole world benefits from it. So I commend her.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I, too, thank the Senator from Louisiana for her leadership on this issue. We are fortunate enough to work together on this marvelous issue of adoption, chairing the adoption coalition here on the Senate side.

Both Senator LANDRIEU and I this week have helped host two delightful young ladies who are on the hill, Miss USA and Miss Teen USA, both adopted, both coming from adoptive families. They were in my office this morning speaking about the wonderful families they were allowed to be a part of who have granted them all of this charm and talent that can only come from a loving environment, that has allowed them to become national leaders, as they now are, as Miss USA and Miss Teen USA.

I say thank you to the Senator for her leadership on this issue. It is critically important to America and America’s families.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

Mr. SANTORUM. Mr. President, today, I rise in support of S. 2390, ‘‘Project Exile: The Safe Streets and Neighborhoods Act of 2000’’, which establishes a grant program to provide incentives for states to enact mandatory minimum sentences for certain firearms offenses. I commend Senator DEWINE for his leadership and appreciate the opportunity to join with him and other colleagues working together on this important legislation. The time has come to restore our commitment to aggressively prosecuting gun crimes around this country. In states and cities around the country where aggressive prosecution of gun crimes is coupled with tough prison sentences, violent crime has gone down. Tough law enforcement saves lives.

This legislation provides $100 million of additional resources over five years as incentives for efforts like Project Exile. To qualify for the grant program, states must have a mandatory minimum of 5 years without parole for convictions of violent crimes and serious drug trafficking offenses where a firearm is used during or in relation to the crime. In the alternative, the state can have a federal prosecution agreement which would refer those arrested for federal prosecution of the alleged gun crime in a collaborative effort between law enforcement.

Project Exile started in Richmond, Virginia as an attempt to reduce violent crime by aggressive enforcement of gun laws and improved law enforcement coordination. Since the program began in 1997, violent crimes involving handguns have decreased 65 percent and overall crime has been reduced by 35 percent. 385 guns were taken off of the street. In 1999, Project Exile was adopted statewide in Virginia. It has given prosecutors the ability to choose within which courts they will try offenders and created tougher penalties for people committing crimes with guns.

I have also worked to help expand this approach to Philadelphia in 1999, where ‘‘Operation Cease Fire’’ also adopts a zero tolerance policy for federal gun crimes. Project Exile has already proven that present laws can work if enforced properly. Federal, state, and local law enforcement and prosecutors work side by side to expedite prosecution of every federal firearms violation. In 1999, over 200 federal gun-related indictments were issued in Philadelphia and the surrounding counties. This is a 70 percent increase in indictments in only one year.

The bill authorizes $10 million in Fiscal Year (FY) 2001, $15 million in FY02, $20 million in FY03, $25 million in FY04, and $30 million in FY05. States must provide at least a 10 percent match and must also at least maintain current funding levels to qualify. Funds can be used for public awareness campaigns, law enforcement agencies, prosecutors, courts, probation and correctional officers, case management, coordination of criminal history records, and the juvenile justice system. Representative BILL MCCOLLUM introduced similar legislation in the House of Representatives as H.R. 4051. This legislation passed the House yesterday by a 358–60 vote margin.

Mr. President, I urge my colleagues to support this important initiative to collaborate with local efforts to prosecute and prevent the criminal use of guns in our schools and neighborhoods.

RAPE AND SEXUAL TORTURE IN SIERRA LEONE

Mrs. FEINSTEIN. Mr. President, in all too many places and in all too many conflicts in recent years we have witnessed the use of rape and sexual torture as instruments of war. I am sad to say, some incidence of rape has always accompanied war and turmoil in human history, but the record of the past few years, with the use of organized, systematic campaigns of rape to terrorize civilian populations, suggests a new chapter in the barbarity of human history has been opened.

It was disturbing to learn there are serious and credible allegations that rebel forces used systematic rape as an instrument of terror in the eight-year civil war in Sierra Leone.

While statistics are not yet available, there is clear and credible evidence that thousands of girls and women, ranging from ages 5 to 75, were abducted during the civil war and gang raped. Many were used as sex slaves and forced labor. And it is possible many are still being held captive, subject to the depravations of their inhuman captors.

This horrific story was detailed in an article in yesterday's Washington Post. I ask unanimous consent to have the article, entitled ''A War Against Women'' from the April 11, 2000, Washington Post printed in the CONGRESSIONAL RECORD following my remarks.

The civilized world must send a strong, unambiguous message that rape and sexual torture are not acceptable under any circumstances and will not be tolerated. The United States must be at the forefront of efforts to help the Government of Sierra Leone bring to justice those responsible for the systematic rape and sexual torture that took place during the civil war.

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

A WAR AGAINST WOMEN—SIERRA LEONE REBELS PRACTICED SYSTEMATIC SEXUAL TERROR

(By Douglas Farah)

BLAMA CAMP, SIERRA LEONE—The women slip one at a time into a bamboo hut in this displaced persons camp, and most begin to cry quietly as they tell of being gang-raped and held as sex slaves by rebels who had sought to overthrow the government of Sierra Leone.

One 25-year-old woman said she had delivered a still-born baby the day before rebels of the Revolutionary United Front attacked her village in 1998. She was unable to flee with most of the other villagers, and five rebels took turns raping her, she said. When her husband tried to intervene, they killed him.

''I thought at first I was dealing with human beings, so I said I was sad and confused because I had just delivered a dead baby, I was bloody and weak,'' she said between sobs. ''But they were not human beings. After they left I gave up, and I wanted to die. I had no reason to live anymore.''

Human rights workers says the woman, who was rescued by a patrol of government troops, is one of thousands who were raped by insurgent forces and other armed gangs during the nation's eight-year civil war. While statistics are not yet available, rights workers said the rebels' rape campaign was as widespread and systematic as similar assaults in the 1992–1995 Bosnian war but has received far less attention.

Unlike at least some of the perpetrators in Bosnia, those responsible here likely will never be tried because of a blanket amnesty that was part of the accord that ended the conflict last July. Even more worrisome, U.N. officials and government officials say, is that the rebels may still hold thousands of women in remote strongholds despite the fact that the peace accord required them to free all captive civilians.

''The [rebels] perpetrated systematic, organized and widespread sexual violence against girls and women,'' the New York-based group Human Rights Watch said in a recent report. ''The rebels planned and launched operations in which they rounded up girls and women, brought them to rebel command centers and then subjected them to individual and gang rape. Young girls under 17, and particularly those deemed to be virgins were specifically targeted. While some were released or managed to escape, hundreds continue to be held in sexual slavery after being 'married' to rebel combatants.''

Rose Luz, a physician with the International Rescue Committee, said that what is most shocking about the hundreds of rape cases she is documenting is the ages of the victims. Most were under 14 or over 45—many of whom were too slow or too infirm to flee. Luz said the youngest victim documented so far was 5; the oldest was 75.

''It is the ones who could not get away,'' Luz said. ''They raped whomever they stumbled across.''

With the consent of the women involved, Rescue Committee officials arranged for a reporter to be present during some interviews. It was agreed that no names would be used or photographs taken. The interviews were conducted at this camp—about 160 miles southeast of the capital, Freetown—which shelters 22,500 people who were driven from their homes in eastern Sierra Leone by insurgent forces.

If the rebels considered a woman attractive or physically fit enough to work, she would likely be taken along with them—not just to be a sex slave, but a domestic servant as well, Luz and other aid workers said. Often, they said, a captive woman would try to attach herself to one leader to avoid repeated gang rape. In a culture in which rape victims are often ostracized, such wholesale assaults were effective not only in spreading terror, but in breaking apart communities, social workers said.

The first victims began telling their stories to the Rescue Committee when the aid group started reproductive health classes here several months ago, said counselor Dolly Williams. Last month, in an effort to refer the women for urgently needed medical attention and help them cope with their shame and humiliation, the Rescue Committee began documenting their stories. As word of the program spread, hundreds of women have come forward, waiting their turn patiently while Williams and Luz record the accounts of other victims.

''Child and women abductees and victims of gender violence are far too numerous, and we do not yet even have a clear picture as to how many there really are,'' said U.S. Ambassador Joseph H. Melrose Jr., who is trying to arrange for U.S. funds to help the victims. ''What is clear is that these victims and their injuries, both physical and psychological, must not be ignored. If these injuries do not heal, they will have implications for future generations of Sierra Leoneans and the success of the peace process.''

Williams said the rate of sexually transmitted diseases such as syphilis and gonorrhea among the women is extremely high, a reflection of the 92 percent infection rate found among demobilized rebels. Neither the combatants nor the women are tested for AIDS or HIV infection because the cost is too great and there are no resources to treat anyone who tests positive.

The first woman to arrive at the palm-thatched interview room one day last week was a 60-year-old who came to tell how she was grabbed in her village by a group of raiders because she was unable to outrun them. When they could not find any other women, she said, they raped her.

''I begged them not to,'' she said. I told them I was old. I could be their grandmother,'' but they did not listen; they just laughed at me. Afterward they let me go because I was old and useless. Now I have pain when I urinate. I have sores; I can't sleep.''

A 35-year-old woman said she had been abducted and raped by four rebels in 1997. When they had finished, she said, they took her to their commander, who decided to keep her. She finally escaped three years later, during a firefight between the rebel unit and government troops.

''I can't have a man again,'' she told the interviewer. ''I have lost my life.''

CASH BALANCE PENSION PLANS

Mr. KENNEDY. Mr. President, I join Senators JEFFORDS, HARKIN and ROCKEFELLER in calling on the Senate to strengthen our Nation's pension laws. This amendment reaffirms the value of defined benefit pension plans for workers, and our commitment to protecting workers from age discrimination in the provision of pension benefits.

Too many American workers have discovered that the pension promises made to them by their employers are virtually worthless. It is disturbing in this period of unprecedented economic prosperity and rising profits that major corporations are shortchanging their older and longer serving workers. These companies have changed the rules unfairly, by converting traditional defined benefit pension plans to so-called ''cash balance'' plans.

Companies have made these conversions quietly, without informing workers of the impact of the changes on their retirement security. When workers ask for an explanation, all too often they are given devious responses. Some employers have done the right thing and allowed older and longer service workers to remain covered under the original plan, but other employers have not.

In addition, many cash balance plans deny benefits to older workers for a period of time after the conversion, using a discriminatory practice known as ''wear away.'' This practice prevents older and longer service workers from earning new benefits under the cash-balance plan until that benefit exceeds the original promised benefit. We must end the practice of wear away immediately.

Our amendment calls on Congress to enact legislation this year requiring, at a minimum, that employers provide workers with adequate notice of a change in their pension plan that reduces future benefits. It also prohibits the discriminatory practice of wear away. Our amendment makes clear that Congress will take whatever action is necessary to assure older workers that they will not be short-changed when it comes to their retirement security. It is long past time for Congress to act and protect our older and longer service workers. We value older workers in America—we don't ''wear them away.''

GUN VIOLENCE

Mr. HUTCHINSON. Mr. President, I rise today in support of S. 2390 which Senator DEWINE introduced yesterday. I am proud to be an original cosponsor of this legislation. I know that, unlike additional infringements on the constitutional rights of law-abiding Americans, this bill will effectively reduce gun violence and save lives.

Like many of my colleagues, I am extremely concerned about gun violence. In my home state of Arkansas, there are several cities which have long been plagued by extraordinarily high levels of violence and murder, largely fueled by illegal guns, gangs, and drug trafficking. According to the 1998 Uniform Crime Reports, Little Rock, with a population of 176,377, North Little Rock with a population of 60,619, and Pine Bluff, with a population of 54,062, had 25, 8, and 17 murders respectively. The rate of murder per 100,000 inhabitants in North Little Rock-Little Rock was 10.3 and it was 33.8 in Pine Bluff and significantly exceeded the national rate of 6.3 murders per 100,000 inhabitants. Nonetheless, I have received literally thousands of letters from Arkansas asking me not to support additional gun control measures, but rather to simply enforce the laws already in effect.

My constituents are right. We do not need more gun laws. We just need to enforce those already on the books. The facts show that the Clinton Administration has not done this; from 1992 to 1998 prosecutions of defendants who use a firearm in connection with a felony have decreased nearly 50 percent, from 7,045 to approximately 3,800. In addition, while more than 500,000 convicted felons and other prohibited purchasers have been prevented from purchasing firearms from federally, licensed firearms dealers under the Brady Handgun Violence Prevent Act, only 200 of these persons have been referred to the United States Department of Justice for prosecution. I have carefully studied the Project Exile program in Richmond, Virginia and am convinced that it saves lives. Before Project Exile was implemented, Richmond was one of the nation's murder capitals, and Project Exile resulted in a 40 percent reduction in the number of murders committed with firearms. That is why for the past several months, I have been working to implement Arkansas Exile. By supporting S. 2390, I hope to obtain the additional funding necessary to allow Arkansas and other states to implement a program proven to reduce gun violence.

Finally, I support S. 2390 because it is the right approach. The President and many of my Senate colleagues condemn firearms, which are inanimate objects, and the gun industry while ignoring and working to overturn the well-established legal principle and a third-party's criminal act is an unforeseeable event for which a merchant may not be held liable. I am saddened and alarmed that the President and cities throughout the nation are using the vast resources for their governments to force the gun industry to take responsibility for the acts of criminals, and I am determined to do all I can do that the criminals, not the gun industry and law-abiding Americans, are held responsible for gun violence.

WRONGFUL IMPRISONMENT OF 13 IRANIAN JEWS

Mr. ASHCROFT. Mr. President, I rise today to speak on behalf of the thirteen Iranian Jews wrongfully imprisoned and facing trial in Iran. I join with concerned people of all faiths around the nation, and the world, in calling for the observation of fundamental human rights and the ultimate goal of freedom for these innocent people.

Iran has recently taken some positive steps away from political and religious repression toward the acceptance of freedom, justice, and democracy. Reforms, however, have been marred by a disheartening lack of concern for the human rights of religious minorities in Iran. Throughout my life, I have been committed to furthering fundamental human rights, especially religious freedom, for both Americans and people throughout the world. Therefore, I was deeply concerned by the February 1999 arrest of thirteen Iranian Jews informally accused of spying for Israel and the United States. Today, ten of the thirteen are still in jail awaiting trial, while the other three have been released on bail. This situation is especially troubling because these innocent community and religious leaders could face the death penalty if convicted.

Mr. President, this entire legal ordeal has been filled with Iranian Constitutional violations and shrouded in secrecy. For instance, the thirteen have never been formally charged or indicted. This should be the first step in any legal proceeding, but it now appears almost certain the defendants will not know the charges they face until the trial begins. As a former Attorney General of Missouri, I fully appreciate what a daunting, if not impossible, task it would be to build a credible defense without knowing the charges.

Additionally, although it appears the Iranian government might have recently reversed its previous position and agreed to allow the thirteen to choose their own legal counsel, the judge in the case has refused access to the defendants by their chosen attorneys. Beyond the seriously limiting results of this decision, the chosen attorneys cannot officially become the defendant's counsel until the necessary legal documents are signed, which will not occur until the attorneys and defendants meet. The courts have created one of the worst ''Catch-22s'' I have seen.

It also troubles me that the trial will be conducted in secrecy. After repeated requests by international observers and the press, the decision to keep the trial secret has been affirmed by the courts. For these obvious reasons, I believe it likely that the thirteen will not receive a fair and impartial trial.

The members of the Jewish Iranian community, who out of respect and fear of the Islamic majority rarely speak out in public, have even made an uncharacteristic plea to the Iranian government. I join with this community in asking for all defendants in Iran, regardless of religion or standing, to have access to legal counsel of their own choosing, and to be afforded the requirements of Iranian law for fair and open trials. In addition, I urge the Iranian government to grant permission for the ten jailed Iranian Jewish defendants to go home on furlough for Passover, which begins on the evening of April 19th, if the proceedings have not yet been completed.

Mr. President, I rise today in support of the basic principles of human rights and religious freedom. The Iranian government must do the right thing and provide these defendants their fundamental rights, and the International Community must use all available pressure and diplomatic avenues to influence them to do so. And the United States Government should demonstrate real leadership by diligently working to see the ultimate release of these thirteen Jewish Iranian defendants.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 11, 2000, the Federal debt stood at $5,763,650,722,859.87 (Five trillion, seven hundred sixty-three billion, six hundred fifty million, seven hundred twenty-two thousand, eight hundred fifty-nine dollars and eighty-seven cents).

Five years ago, April 11, 1995, the Federal debt stood at $4,871,386,000,000

(Four trillion, eight hundred seventy-one billion, three hundred eighty-six million).

Ten years ago, April 11, 1990, the Federal debt stood at $3,084,969,000,000 (Three trillion, eighty-four billion, nine hundred sixty-nine million).

Fifteen years ago, April 11, 1985, the Federal debt stood at $1,730,073,000,000 (One trillion, seven hundred thirty billion, seventy-three million).

Twenty-five years ago, April 11, 1975, the Federal debt stood at $511,156,000,000 (Five hundred eleven billion, one hundred fifty-six million) which reflects a debt increase of more than $5 trillion—$5,252,494,722,859.87 (Five trillion, two hundred fifty-two billion, four hundred ninety-four million, seven hundred twenty-two thousand, eight hundred fifty-nine dollars and eighty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

COMMEMORATION OF 30TH ANNIVERSARY OF THE COUNSELING CENTER OF MILWAUKEE, INC.

● Mr. KOHL. Mr. President, I rise today to commend an organization that has provided high quality mental health, residential, case management, prevention, treatment and outreach services to adults, youth and families in the Greater Milwaukee area for thirty years. This organization is the Counseling Center of Milwaukee, Inc.

The Counseling Center of Milwaukee came from humble beginnings. Established in 1970 in the basement of Milwaukee's St. Mary's Hospital, it merged with the organization Pathfinders for Runaways in 1971. The Center has since grown into a $2.3 million agency with 100 paid and volunteer staff.

In working to fulfill its vision statement of putting more people in charge of their lives, connecting to others and contributing to their communities, the Counseling Center of Milwaukee provides both individual and family services including education, counseling, providing emergency shelter and mentoring.

The Counseling Center serves a variety of clients, most of whom are low income and most from the city of Milwaukee. The Counseling Center has always been a place where clients could turn when they had nowhere else to go. Through public and private funding, the Counseling Center provides service to anyone in need, regardless of their ability to pay. This includes more than 7,000 citizens in the Greater Milwaukee area served in 1999.

I am proud to join in celebrating the 30th anniversary of the Counseling Center of Milwaukee. I thank the dedicated employees and volunteers of the Center for their significant contributions to the mental health of the citizens of my state, and wish them a prosperous future.●

NATIONAL LIBRARY WEEK

● Mr. GRAMS. Mr. President, I rise today to recognize National Library Week and pay tribute to those dedicated individuals who, through their passion for books and learning, make our libraries places of great discovery.

If a child wants to know everything there is to know about space, you could send them up there in a rocket ship. If they're interested in tornadoes, you could send them out after one with a crew of storm chasers. If they'd like to meet George Washington, you could even send them back in time. You could—if you just knew how.

Or, you could send them to the library instead.

National Library Week is April 9–15, and there's no better place than our libraries for bringing the world and the events that shape it—past and present—to life. Fortunately, a child doesn't need any special gadgets to experience all the library has to offer; they just need a library card.

As Congress debates important issues like the federal budget and how to save Social Security, the library is also an excellent place for young people to learn more about government and what's happening in Washington. And of course, the librarians are always there to help.

On the occasion of National Library Week, I urge all Americans to check out a book—and ''check out'' all the riches their local library has to offer.●

NATIONAL VOLUNTEER WEEK

● Mr. GRAMS. Mr. President, boxer Muhammad Ali once said, ''Service to others is the rent you pay for your room here on earth.'' Minnesota's volunteers exemplify that philosophy, and during National Volunteer Week, April 9–15, we celebrate their passion for their communities.

National Volunteer Week offers an opportunity to salute the millions of dedicated men, women, and young people for their efforts and their commitment to serve. Volunteers are one of this nation's most valuable resources, making this year's Volunteer Week theme—''Celebrate Volunteers!''—very appropriate.

Minnesotans can be proud that our state has one of the highest rates of volunteerism in the nation. While 56 percent of Americans volunteer nationally, two-thirds of all Minnesotans give back to their communities through volunteering. According to state officials, this show of strength returns $6.5 billion a year in donated hours to Minnesota communities.

Thanks to the many Minnesota volunteers who help make our communities better, more compassionate places to live. For those who have yet to discover the joy that comes from serving others, I invite them to get involved—and remember the words of Henry David Thoreau: ''One is not born into the world to do everything but to do something.'' Volunteering is truly your opportunity to do something.●

IN MEMORY OF LEE PETTY

● Mr. HOLLINGS. Mr. President, I rise today to remember auto racing's Lee Petty, who died last week at the age of 86. A pioneer of the sport, he claimed 55 titles, including the inaugural Daytona 500 in 1959, before a 1961 collision ended his competitive career. His son Richard carried the torch with style, collecting seven Winston Cup trophies and establishing a fan base Lee Petty could have only dreamed of back in the late 1940s when he was scorching North Carolina dirt tracks. But it doesn't end there. Lee's grandson, Kyle, a good friend of mine, continues to find success on the NASCAR circuit and Lee's 17-year-old great-grandson, Adam, recently made his NASCAR debut.

The name Petty has become synonymous with racing, and for good reason. Lee Petty had the foresight to invest in a sport with little pedigree but a heaping portion of American guts and glory. He understood that a driver's personality was often as powerful as the car he drove, and spectators would pay good money to go along for the ride. His empire, Petty Enterprises, bears witness to the clarity of that vision, having produced 271 race winners and 10 NASCAR champions.

Despite great success, Lee Petty never acted like a superstar. He lived with his wife, Elizabeth, in the same modest house where they had raised their children. Perhaps humbleness, and a willingness to brave the hot sun for hours to sign autographs, will prove to be Lee Petty's greatest contribution to American sports. An editorial in Charleston, SC's daily newspaper, the Post and Courier, concludes: ''In a day where money seems to be the overriding concern of so many athletes, Lee Petty was a reminder of what is important in the sporting world—and why folks gravitate toward the National Association for Stock Car Auto Racing. Lee Petty's grown-up NASCAR has never forgotten that a professional sport should be family- and fan-oriented.'' The patriarch of one of professional sports' most celebrated families, Lee Petty has left a legacy that will linger over American racetracks for generations to come.●

COMMENTS ON VIETNAM

● Mr. HOLLINGS. Mr. President, we have all read a lot on Vietnam, but nothing more thoughtful than the brief comments by Charleston, S.C.'s Charles T. ''Bud'' Ferillo, Jr. in the College of Charleston magazine, ''The Cistern.'' Mr. Ferillo, a 1972 graduate of the college, served in Vietnam. I ask that his comments be printed in the RECORD.

The comments follow:

PERSPECTIVES

(By Charles T. (Bud) Ferillo, Jr.)

Well before I was drafted, I viewed America's involvement in Vietnam a political mistake at home, a foreign policy of misjudgment in Southeast Asia and a personal tragedy for the tens of thousands of Vietnamese and Americans who paid the price for the misadventure.

I had lost my college deferment in 1966 and received my ''Greetings from the President of the United States'' draft letter in early 1967. I decided to do my best and serve even though I thought our policies in Vietnam were wrong. A lot of awful experiences in the war would follow that decision but not one day of regret.

In Vietnam you joined your unit one soldier at a time, not in groups that trained together back home or from old time group enlistments. My unit was Company C, 1st Battalion, 22nd Infantry, 4th Infantry Division. That night in July 1968 when I joined Charlie Company as an incoming sergeant E–5, I was ordered to take out a night patrol. I was exhausted from days of travel and processing but I didn't sleep a wink all night, and never solidly for the rest of the year I was there.

Three days later, on patrol in a cornfield, my radio operator who was walking just behind me was shot through the neck by a sniper. I later lost another radio operator who was shot while clinging perilously to rungs of a hastily departing helicopter. If he had been able to survive his wounds, he would never have survived the fall from the chopper into the trees below. We found his body three days later.

Discipline was strongly enforced in our division. No intentional killing of civilians or torture of POWs was tolerated. After several reprimands I had one soldier in my company court-martialed for cutting off the ears of dead North Vietnamese soldiers and mailing them home to his girlfriend.

The final tragedy for me was that the man I recommended to succeed me as squad leader in Charlie Company was killed as he walked in the squad leader position in the field the day after I left for home. It is his name I look for first on the wall in Washington when I visit it.

There were some light moments, too. I was able to keep a pet monkey in my bunker for several weeks until he learned to pull the pins on hand grenades and kick them off the mountainside to explode below.

My war experiences only served to support my initial doubts about our involvement. Once when a convoy of U.S. Army and South Vietnamese Army units that I was traveling with on Highway 1 was ambushed by NVA regulars, we American soldiers jumped off our trucks facing the enemy and returned fire. The South Vietnamese soldiers jumped off the other side of the trucks and ate lunch. Whose war was it?

I recall numerous incidents when U.S. Army officers instructed us to count each body part from a NVA soldier as one casualty so as to swell the total body count reported. Similarly, we noted that some known U.S. casualties were listed long after the deaths in Stars and Stripes, the weekly military newspaper. These small deceits, multiplied across the country and if practiced widely, could have contributed to an inaccurate picture of battlefield situations. And it would have been done purposefully.

What would I want future generations to know about the nation's experience in Vietnam?

First, that governments of men can and do make huge mistakes. In understanding political situations in other cultures, in intelligence gathering and interpretation, and that an overzealous military can and will cover up their miscalculations of enemy strength, exaggerate U.S. military effectiveness and minimize cost projections and outcomes. Once committed, reversals of policy are slow in our system of government and often come too late for too many in harm's way.

Second, I would urge future generations to get informed and involved in public affairs as a matter of civic duty and personal interest to guard against poor political leadership that can get the country in deep trouble because of political ideology, showmanship or the pursuit of short-term partisan advantage over the national interest. Not only is eternal vigilance the price of liberty in Jefferson's phrase, but it is also the price of intelligent foreign policy and peace in the world.

Third, I would want those who look back at what happened in Vietnam to recall that it was not victories in combat by soldiers and airmen that got us out of there. No, it was not that at all. It was the courage and aggressiveness of people of all ages here at home who protested in the streets that finally turned the political tide in this country against the war. Their courage and tenacity forced a reversal of policy in Washington as time and events revealed military failures and unacceptable losses.

Finally, I would not want my children or anyone's children to ever know the details of what war looks like up close. It is very gruesome and terrifying for the safe and the wounded and all those who survive are burdened with the awfulness for their lifetimes. As time passes, the joy and fullness of life can repair the damage and soften its impact for those whose lives lead in healthy directions. For those who returned to dysfunctional families, lack of schooling, joblessness, illness, they are the walking wounded of Vietnam who cannot ever come home.

I would want my children to know that I tried to do my duty when my country called even when I disagreed deeply with the policies and conduct of the war in which we were engaged. I would want them to know I felt no regrets or ill feelings toward those who chose not to serve; those decisions of conscience required a certain kind of courage as well as any I saw in the war. Lastly, I would want my children to work for a country that is a more thoughtful, careful and respectful force in a world of divergent cultures, one that expends its resources in war only when our national security interests are genuinely at stake.●

MR. JACK WILCOX INDUCTED INTO PLYMOUTH HALL OF FAME

● Mr. ABRAHAM. Mr. President, on April 18, 2000, the Kiwanis Club of Plymouth, Michigan, with the assistance of the Plymouth Community Chamber of Commerce, the District Library, the Plymouth Historical Society, and the City of Plymouth, will honor three men whose commitment to the community has earned them a place in the Plymouth Hall of Fame. These men are being recognized because over the years their dedication and many efforts have played a large role in making Plymouth the wonderful town that it is today. With this having been said, I rise today in honor of Mr. James Jabara, Mr. James B. McKeon, and Mr. Jack Wilcox, who are rightfully taking their place among the ''Builders of Plymouth.''

A graduate of Plymouth High School and the University of Michigan, Mr. Wilcox is a retired U.S. Navy captain. He has served the community of Plymouth in many, and varied, ways. A semi-professional actor, he is a charter member of the Plymouth Theater Guild. He is a past president of the Plymouth Historical Society, as well as a lifetime member of this organization. He has served as City Commissioner, and helped to organize the Plymouth Council on Aging and the Plymouth Economic Development Corporation. Mr. Wilcox is a trustee of Riverside Cemetery, a member of the Munipal Tree Board, and a member of the Block Grant Citizen's Advisory Commission. In addition, Mr. Wilcox is the host of the local cable television show ''Profiles in Plymouth.''

Mr. President, I applaud Mr. Wilcox for his many efforts to better the quality of life for every resident of Plymouth, Michigan. His dedication to the town over the years is truly admirable, and I am glad that the Kiwanis Club has taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Mr. Wilcox on his induction into the Plymouth Hall of Fame.●

MR. JAMES B. MCKEON INDUCTED INTO PLYMOUTH HALL OF FAME

● Mr. ABRAHAM. Mr. President, on April 18, 2000, the Kiwanis Club of Plymouth, Michigan, with the assistance of the Plymouth Community Chamber of Commerce, the District Library, the Plymouth Historical Society, and the City of Plymouth, will honor three men whose commitment to that community has earned them a place in the Plymouth Hall of Fame. These men are being recognized because over the years their dedication and many efforts have played a large role in making Plymouth the wonderful town that it is today. With this having been said, I rise today in honor of Mr. James Jabara, Mr. James B. McKeon, and Mr. Jack Wilcox, who are rightfully taking their place among the ''Builders of Plymouth.''

Mr. McKeon came to Plymouth after graduating from a school that I myself am quite familiar with, Michigan State University. He has served Plymouth both as City Commissioner and as Mayor. He has been president of the Plymouth Chamber of Commerce, and was named Volunteer of the Year by that organization. Mr. McKeon is chairman of the Downtown Development Authority, and sits on the Board of Directors of Growth Works and the New Morning School. In addition, he is a member of the Schoolcraft College Development Authority Board and a benefactor of the Plymouth Community Arts Council.

Mr. President, I applaud Mr. McKeon for his many efforts to better the quality of life for every resident of Plymouth, Michigan. His dedication to the town over the years is truly admirable, and I am glad that the Kiwanis Club has taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Mr. McKeon on his induction into the Plymouth Hall of Fame.●

MR. JAMES JABARA INDUCTED INTO PLYMOUTH HALL OF FAME

• Mr. ABRAHAM. Mr. President, on April 18, 2000, the Kiwanis Club of Plymouth, Michigan, with the assistance of the Plymouth Community Chamber of Commerce, the District Library, the Plymouth Historical Society, and the City of Plymouth, will honor three men whose commitment to that community has earned them a place in the Plymouth Hall of Fame. These men are being recognized because over the years their dedication and many efforts have played a large role in making Plymouth the wonderful town that it is today. With this having been said, I rise today in honor of Mr. James Jabara, Mr. James B. McKeon, and Mr. Jack Wilcox, who are rightfully taking their place among the ''Builders of Plymouth.''

Mr. Jabara has been an outstanding leader in the Plymouth community since arriving there after his graduation from Michigan Technological University. He has served Plymouth as City Commissioner, Mayor, and Chairman of the 35th District Court Building. He is a board member of the Plymouth Chamber of Commerce, the Fall Festival and the Ice Festival. He is Chairman of the Advisory Board, sits on the Board of Directors of the Salvation Army, and is a member of the Plymouth Library Board. He is a charter member of the Colonial Kiwanis Club, and its first president. In addition, his many successful business ventures have contributed greatly to the growth and development of the Plymouth community.

Mr. President, I applaud Mr. Jabara for his many efforts to better the quality of life for every resident of Plymouth, Michigan. His dedication to the town over the years is truly admirable, and I am glad that the Kiwanis Club has taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Mr. Jabara on his induction into the Plymouth Hall of Fame.•

MESSAGES FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3767. An act 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.

H.R. 4051. An act to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

H.R. 4067. An act to repeal the prohibition on the payment of interest on demand deposits, and for other purposes.

H.R. 4163. An act to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 71. Concurrent resolution 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.

The message further announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 43. Joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The message further announced that 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 Speaker appoints 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 of Hershey, Pennsylvania.

At 5:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 303. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4067. An act to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4163. An act to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers; to the Committee on Finance.

The Committee on Indian Affairs was discharged from further consideration of the following measure which was referred to the Committee on Energy and Natural Resources:

S. 2163. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1838. An act to assist in the enhancement of the security of Taiwan, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8437. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated April 6, 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Energy and Natural Resources; Environment and Public Works; and Foreign Relations.

EC–8438. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report entitled ''Annual Performance Report of the General Services Administration'' for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8439. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8440. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the fiscal year 1999 Accountability Report; to the Committee on Governmental Affairs.

EC–8441. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the fiscal year 2001 Annual Performance Plan and the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8442. A communication from the Secretary of Labor, transmitting, pursuant to law, the fiscal year 1999 Annual Report on Performance and Accountability; to the Committee on Governmental Affairs.

EC–8443. A communication from the Attorney General, transmitting, pursuant to law, the fiscal year 1999 Accountability Report; to the Committee on Governmental Affairs.

EC–8444. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the fiscal year 1999 Accountability and Performance Report and the Commission's Inspector General's fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8445. A communication from the Trustee, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8446. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report and the fiscal year 2000 Annual Performance Plan; to the Committee on Governmental Affairs.

EC–8447. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the fiscal year 1999 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–8448. A communication from the United States Trade Representative, transmitting, pursuant to law, the fiscal year 2001 Performance Plan and the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8449. A communication from the Chairman, Defense Nuclear Facilities Safety

Board, transmitting, pursuant to law, the fiscal year 1999 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–8450. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8451. A communication from the Archivist of the United States, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report for the National Archives and Records Administration; to the Committee on Governmental Affairs.

EC–8452. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the fiscal year 2001 Annual Performance Plan and the fiscal year 1999 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–8453. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Recent Inspection of Community Correctional Center No. 4 Confirms Overcrowded Condition and Building Code Violations''; to the Committee on Governmental Affairs.

EC–8454. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received April 10, 2000; to the Committee on Governmental Affairs.

EC–8455. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Report of the United States Government for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8456. A communication from the administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy transmitting, pursuant to law, the financial statements and audit reports of the Federal Columbia River Power System; to the Committee on Governmental Affairs.

EC–8457. A communication from the President, U.S. Institute of Peace, transmitting, pursuant to law, the report of the audit by independent certified public accountants; to the Committee on Health, Education, Labor, and Pensions.

EC–8458. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on progress under the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

EC–8459. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Removal of Designated Journals; Confirmation of Effective Date'' (Docket No. 99N-4957), received April 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8460. A communication from the General Counsel, Government Contracting, Small Business Administration transmitting, pursuant to law, the report of a rule entitled ''Government Contracting Programs-Contract Bundling Procurement Strategy'' (RIN3245-AE04), received April 10, 2000; to the Committee on Small Business.

EC–8461. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the 1999 annual report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–8462. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, an interim report under the Grants for Special Diabetes Program for Indians; to the Committee on Indian Affairs.

EC–8463. A communication from the Vice President, Health, American Academy of Actuaries transmitting, the report of comments on the 2000 Annual Reports of the Board of Trustees of the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds; to the Committee on Finance.

EC–8464. A communication from the Regulations Officer, Social Security Administration transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Age, Survivor and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness; Clarification of 'Age' as a Vocational Factor'' (RIN0960-AE96) (55A736F), received April 10, 2000; to the Committee on Finance.

EC–8465. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Gaming Industry—The Applicable Recovery Period Under I.R.C. Section 168(A) for Slot Machines, Video Lottery Terminals and Gaming Furniture, Fixtures and Equipment'' (UIL 168.20–06), received April 10, 2000; to the Committee on Finance.

EC–8466. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Installment Sales After Enactment of Section 453(a)(2)'' (Notice 2000-26), received April 10, 2000; to the Committee on Finance.

EC–8467. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8468. A communication from the Acting General Counsel, Department of Defense transmitting, a draft of proposed legislation relative to the management of the Department; to the Committee on Armed Services.

EC–8469. A communication from the Acting General Counsel, Department of Defense transmitting, a draft of proposed legislation relative to certain prototype projects for the next three years and for other purposes; to the Committee on Armed Services.

EC–8470. A communication from the Director, Federal Emergency Management Agency transmitting, pursuant to law, the report relative funding under the Stafford Act as a result of the response to Hurricane Floyd; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–454. A concurrent resolution adopted by the Legislature of the State of Kansas relative to the shipment of state-inspected meat and meat products and the number of poultry to be slaughtered at home for sale to the consumer; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 5050

Whereas, All regulations for state inspected commercial meat plants must be equal to or more strict than the federal regulations; and

Whereas, Since state inspected meat and meat products must be equal to the federal regulations, meat and meat products should be allowed to be shipped across state lines; and

Whereas, Currently, annually, only 1,000 poultry may be slaughtered at home and offered for sale to the consumer; and

Whereas, To meet current consumer demand, such number should be increased to 3,000 poultry: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That Congress pass legislation allowing state-inspected meat and meat products to be shipped interstate; and

Be it further resolved: That Congress pass legislation increasing the number of poultry to be slaughtered at home from 1,000 to 3,000; and

Be it further resolved: That the Secretary of the State be directed to send enrolled copies of this resolution to the President of the United States; the Vice-President of the United States; Majority Leader and Minority Leader of the United States Senate; the Speaker, Majority Leader and Minority Leader of the United States House of Representative; the Secretary of the United States Department of Agriculture; and to each member of the Kansas Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2: A bill to extend programs and activities under the Elementary and Secondary Education Act of 1965 (Rept. No. 106–261).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1705: A bill to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes (Rept. No. 106–262).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1727: A bill to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes (Rept. No. 106–263).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1797: A bill to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, and for other purposes (Rept. No. 106–264).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1836: A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama (Rept. No. 106–265).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1849: A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System (Rept. No. 106–266).

S. 1892: A bill to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes (Rept. No. 106–267).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1910: A bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York (Rept. No. 106–268).

S. 1910: A bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York (Rept. No. 106–268).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1615: A bill to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment (Rept. No. 106–269) .

H.R. 3063: A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes (Rept. No. 106–270).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 86: A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

H. Con. Res. 269: A concurrent resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS for the Committee on Health, Education, Labor, and Pensions.

Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship foundation for a term expiring December 10, 2005. (Reappointment)

Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor.

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.

Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Marc Racicot, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH for the Committee on the Judiciary.

Marianne O. Battani, of Michigan, to be United States District Judge for the Eastern District of Michigan.

David M. Lawson, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Mark Reid Tucker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Richard C. Tallman, of Washington, to be United States Circuit Judges for the Ninth Circuit.

John Antoon II, of Florida, to be United States District Judge for the Middle District of Florida.

(The above nominations were reported with the recommendation that they be confirmed.)

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. BAYH (for himself, Mr. DURBIN, Mr. JOHNSON, Mrs. FEINSTEIN, Ms. LANDRIEU, Mr. EDWARDS, and Mrs. MURRAY):

S. 2403. To amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing a nonrefundable marriage credit and adjustment to the earned income credit; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2404. A bill to amend chapter 75 of title 5, United States Code, to provide that any Federal law enforcement officer who is convicted of a felony shall be terminated from employment; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 2405. A bill to prohibit predatory lending practices with respect to home loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. LEAHY):

S. 2406. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. KENNEDY):

S. 2407. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. INOUYE):

S. 2408. A bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS (for himself and Mr. SARBANES) (by request):

S. 2409. A bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (by request):

S. 2410. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. HARKIN, Mr. CONRAD, Mr. DORGAN, Mr. JOHNSON, Mr. FEINGOLD, Mr. KOHL, Mr. KERREY, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. LEVIN, and Mr. JEFFORDS):

S. 2411. A bill to enhance competition in the agricultural sector and to protect family farms and ranches and rural communities from unfair, unjustly discriminatory, or deceptive practices by agribusinesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN:

S. 2412. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. THURMOND, Mr. BINGAMAN, Mr. JEFFORDS, Mr. SARBANES, Mr. COVERDELL, Mr. ROBB, Mr. SCHUMER, Mr. REED, and Mr. REID):

S. 2413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 2414. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

By Mr. SARBANES (for himself, Mr. DODD, Mr. SCHUMER, and Mr . KERRY):

S. 2415. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 286. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); submitted and read.

By Mr. HELMS (for himself, Mr. KENNEDY, and Mr. LAUTENBERG):

S. Res. 287. A resolution expressing the sense of the Senate regarding U.S. policy toward Libya; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 288. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

By Mr. TORRICELLI (for himself, Mr. HELMS, Mr. GRAHAM, Mr. MACK, and Mr. REID):

S. Res. 289. A resolution expressing the sense of the Senate regarding the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. FEINGOLD):

S. Res. 290. A resolution expressing the sense of the Senate that companies large and small in every part of the world should support and adhere to the Global Sullivan Principles of Corporate Social Responsibility wherever they have operations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2404. A bill to amend chapter 75 of title 5, United States Code, to provide that any Federal law enforcement officer who is convicted of a felony shall be terminated from employment; to the Committee on Governmental Affairs.

LEGISLATION REGARDING THE REMOVAL OF LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES

Mr. GRASSLEY. Mr. President, I rise to introduce a bill on removing federal law enforcement officers convicted of felonies.

Under my bill, any federal law enforcement officer, who is convicted of a felony, would have to be removed from his or her position immediately.

Mr. President, my colleagues must be wondering why the Senator from Iowa is offering this legislation. Law enforcement officers convicted of felonies are removed immediately. That's just common sense. Right?

Unfortunately, Mr. President, common sense does not always prevail in the federal bureaucracy.

Common sense is in short supply at one very important place in the Pentagon—the office of the Inspector General or DOD IG.

In October 1999, the Majority Staff on my Subcommittee on Administrative Oversight and the Courts issued a report on the DOD IG.

I placed the Majority Staff Report in the RECORD on November 2, 1999.

The Majority Staff Report substantiated allegations of misconduct by senior officials at the Defense Criminal Investigative Service—or DCIS—between 1993 and 1996.

DCIS is the criminal investigative branch in the DOD IG's office.

I would like to remind my colleagues that Mr. Donald Mancuso was the Director of DCIS between 1988 and 1997. Today, Mr. Mancuso is the Deputy DOD IG. He may be a candidate for nomination as the next DOD IG.

Some of the allegations examined in the Majority Staff Report concerned one of Mr. Mancuso's top deputies—an agent by the name of Mr. Larry J. Hollingsworth.

The Hollingsworth case is the driving force behind my bill.

Mr. Hollingsworth was the Director of Internal Affairs at DCIS from April 1991 until his retirement in September 1996.

In July 1995, after a fellow agent recognized Mr. Hollingsworth's photo in a law enforcement crime bulletin, Mr. Hollingsworth was apprehended. His home was searched, and he confessed to filing a fraudulent passport application.

Mr. Hollingsworth was convicted of a felony in U.S. District Court in March 1996.

The authorities who investigated Mr. Hollingsworth's crimes believe that he committed about 12 overt acts of fraud between 1992 and 1994.

Mr. President, can you imagine that? While he was hammering rank and file agents for minor administrative offenses as head of the Internal Affairs unit, Mr. Hollingsworth was deeply involved in a criminal enterprise of his own.

The State Department agents who investigated the case were troubled by Mr. Hollingsworth's actions. From past experience, they know passport fraud is usually committed in furtherance of a more serious crime. But that crime was never discovered.

While the full extent of Mr. Hollingsworth's crimes remain a mystery, this case has helped to shed a whole lot of light on Deputy IG Mancuso.

Mr. Mancuso personally approved a series of administrative actions that kept a convicted felon in an employed status at DCIS for 6 months.

Mr. Hollingsworth confessed to passport fraud in July 1995. He was convicted in March 1996 and then confined in jail. All this time—for 14 months, Mr. Mancuso kept Mr. Hollingsworth in an employed status at DCIS until September 19,1996.

Mr. President, September 19, 1996 was the magic day. That was Mr. Hollingsworth's 50th birthday.

That was the very first day he was eligible to retire. On that day, he retired with full law enforcement benefits and Mr. Mancuso's blessing.

Mr. Mancuso's generosity will eventually cost the taxpayers a big chunk of money.

The Office of Personnel Management—OPM—estimated Mr. Hollingsworth's annuity will cost the taxpayers at least $750,000.00 through the year 2008.

This is money Mr. Hollingsworth should never collect had Mr. Mancuso exercised sound judgment under the law.

Mr. Mancuso could have removed Mr. Hollingsworth in March 1996 after conviction or maybe even sooner.

Instead, Mr. Mancuso chose to personally protect Mr. Hollingsworth until he reached his 50th birthday and could retire.

Mr Mancuso shielded Mr. Hollingsworth from the law for at least 6 months.

Under the law—5 U.S.C. 7513(b), Mr. Mancuso was authorized to remove Mr. Hollingsworth after conviction—if not sooner.

Mr. President, I underscore the words authorized. DCIS was authorized but not required to remove him.

Under the law, DCIS was granted discretionary authority to decide when—or if—to remove him.

Mr. President, too much discretionary authority in a place so short on common sense can lead to mistakes. The Hollingsworth case was a big mistake.

If my bill had been in effect in 1996, Mr. Hollingsworth would have been removed within 30 days of conviction.

My staff has consulted with OPM on this legislation.

OPM offered some constructive comments on how to strengthen it. Those ideas are now in the bill.

OPM was unaware of any other instance where a federal law enforcement agency had kept a convicted felon in an employed status for 6 months after conviction.

However, OPM could not guarantee that this would never happen again.

The intent of my legislation should be crystal clear: To ensure that personnel management decisions—like those taken by Mr. Mancuso in the Hollingsworth case—are never repeated again.

Over the past 10 months, my staff has spoken with many rank and file law enforcement officers about the special treatment given to Mr. Hollingsworth.

Rank and file agents are universally disgusted by what happened.

They feel—as I do—that law enforcement officers, who are convicted of felonies—should be removed from their posts immediately.

They don't want their badges tarnished by having one of their own, who committed a felony, remain on the job—as Mr. Hollingsworth was allowed to do.

That undermines morale in the ranks.

In closing, I would like to quote from a letter Mr. Mancuso wrote—on official DOD stationery—to Judge Ellis on April 29, 1996.

Judge Ellis was preparing to sentence the convicted felon, Mr. Hollingsworth.

Mr. Mancuso's statements to Judge Ellis were absurd. They were outrageous.

This letter shows that Mr. Mancuso was totally blind to the seriousness of Mr. Hollingsworth's crimes.

In the letter, Mr. Mancuso asked the judge to consider extenuating circumstances. He told the judge that Mr. Hollingsworth had taken a half day's leave to file the fraudulent passport application. Mr. Mancuso praised the convicted felon for this unselfish act. Can you believe that?

This is what Mr. Mancuso said to Judge Ellis, and I quote: ''Mr. Hollingsworth could have come and gone as he pleased,'' but he ''took leave to commit a felony.''

In Mr. Mancuso's mind, the use of personal leave to commit a felony was a sign of moral excellence.

Mr. Mancuso concluded with this telling remark:

To this day, there is no evidence that Mr. Hollingsworth has ever done anything improper relating to his duties and responsibilities as a DCIS agent and manager.

Mr. Mancuso's statement to Judge Ellis was misguided for two reasons:

First, incredible as it may seem, Mr. Mancuso—a sworn law enforcement officer and current Deputy DOD IG—feels that it is OK for law enforcement officers to commit crimes so long as the agents are off duty.

Second, Mr. Mancuso's assertion about ''no evidence'' is flat wrong. It's inaccurate.

On February 1, 2000, my staff discovered a DCIS file containing information that refuted Mr. Mancuso's assertions to Judge Ellis about no evidence. It shows that in August 1995, both DCIS and the State Department did, in fact, have evidence that Mr. Hollingsworth had engaged in criminal activity at his desk in DCIS headquarters.

How could the Pentagon's top criminal investigator be so blind to evidence?

This file also contains other important revelations about Mr. Mancuso's misconduct in the Hollingsworth case.

It contains documents that indicate Mr. Mancuso was communicating with defense attorneys during the criminal court proceedings against Mr. Hollingsworth.

For example, it contains a FAX transmittal memo addressed personally to Mr. Mancuso from the defense attorney. Attached was a motion to dismiss charges against Mr. Hollingsworth. But there was no court date stamp or attorney signature on the document. And there were handwritten notes on it. This was a rough draft.

Mr. President, this really bothers me. Mr. Mancuso—the director of a federal law enforcement agency—was furnished with a rough draft of a motion to dismiss felony charges that the U.S. Attorney was attempting to prosecute.

That is unethical conduct.

The file contains other damaging documents.

They suggest that the current Director of DCIS, Mr. John Keenan, returned 11 confiscated handguns to the convicted felon—Mr. Hollingsworth—in direct contravention of a federal court judgment and statutory law.

DCIS allegedly returned the guns to Mr. Hollingsworth on September 23, 1997, while he was still on supervised probation. This reckless act could have put a probation officer in harm's way.

We also learned that Mr. Hollingsworth was under investigation by the IRS in November 1983 for perjury. That very same month—November 1983, he was hired by DCIS to be the agent in charge of the Chicago Field Office.

The IRS concluded Mr. Hollingsworth had ''committed perjury during rebuttal testimony.'' On December 5, 1983, the IRS referred the matter to the U.S. Attorney in New Orleans for prosecution.

Mr. President, how could DCIS hire Mr. Hollingsworth under such questionable circumstances?

I don't understand it.

Mr. President, Mr. Mancuso went to extraordinary lengths to protect a convicted felon.

By doing what he did, Mr. Mancuso violated a trust that goes with the high office he occupies. He violated the trust that goes with the badge and gun he carries. In our democracy, when those sacred trusts are violated, our only protection is the law.

In this case, the law provides too much discretionary authority. It leaves the door wide open to abuse by irresponsible bureaucrats. We need to close that door.

My bill will close the loophole that Mr. Mancuso exploited in such a crafty way.

Mr. President, I would like to urge my colleagues to join me in supporting this important piece of legislation.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. LEAHY):

S. 2406. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; to the Committee on the Judiciary.

MOTHER TERESA RELIGIOUS WORKERS ACT

Mr. ABRAHAM. Mr. President, I rise to introduce the Mother Teresa Religious Workers Act. This legislation will make permanent provisions of the Immigration and Nationality Act that set aside 10,000 visas per year for ''special immigrants.''

Up to 5,000 of these visas annually can be used for ministers of a religious denomination. In addition, a related provision of the law provides 5,000 visas per year to individuals working for religious organizations in ''a religious vocation or occupation'' or in a ''professional capacity in a religious vocation or occupation.'' This has allowed nuns, brothers, cantors, lay preachers, religious instructors, religious counselors, missionaries, and other persons to work at their vocations or occupations for religious organizations or their affiliates.

The key component of the law will expire on September 30 of this year unless Congress acts.

Under the law, a sponsoring organization must be a bona fide religious organization or an affiliate of one, and must be certified or eligible to be certified under Section 501(c)(3) of the Internal Revenue Code. Religious workers must have two years work experience to qualify for an immigrant visa.

Prior to 1990, churches, synagogues, mosques, and their affiliated organizations experienced significant difficulties in trying to gain admission for a much needed minister or other individual necessary to provide religious services to their communities. However, this improvement in the law in 1990 was not made permanent and, as such, has required reauthorization every two or three years, which has created uncertainly among religious organizations.

Bishop John Cummins of Oakland has written:

> Religious workers provide a very important pastoral function to the American communities in which they work and live, performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor market. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding.

Bishop Cummins noted that,

> The steady decline in native-born Americans entering religious vocations and occupations, coupled with the dramatically increasing need for charitable services in impoverished communities makes the extension of this special immigrant provision a necessity for numerous religious denominations in the United States.

The sentiments expressed by Bishop Cummins are widely held. Indeed this program has won universal praise in religious communities across the nation. In the past, our office has received letters from religious orders and organizations throughout the nation.

As a nation founded by people who came to these shores so they and their children could worship freely, it is only appropriate that our country welcome those who wish to help our religious organizations provide pastoral and other relief to people around this nation.

That is why I have introduced the Mother Teresa Religious Workers Act. The bill will eliminate the sunset provisions in current law and extend permanently the religious workers provisions of the Immigration and Nationality Act. It is clear that religious organizations' ability to sponsor individuals who provide service to their local communities should be a permanent fixture of our immigration law, just as it is for those petitioning for close family members and skilled workers. No longer should religious institutions have to worry about whether Congress will act in time to renew the religious workers provisions. I am pleased Senators KENNEDY, DEWINE, and LEAHY are cosponsoring this legislation.

Finally, I would like to close by reading a passage from a letter sent to me in 1997. It's a letter that at the time helped convince me of the need to move toward permanent extension of the religious workers provisions of the Immigration and Nationality Act. The letter read as follows:

> DEAR SENATOR ABRAHAM: I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.
>
> It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

Signed: MOTHER TERESA.

My office received this letter only a few weeks before her death. In honor of her great deeds for humanity I hope that this year we can finally extend the religious workers provisions of the INA permanently.

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. 2406

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 ''Mother Teresa Religious Workers Act''.

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''before October 1, 2000,'' each place it appears.

By Mr. REID (for himself and Mr. KENNEDY):

S. 2407. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

DATE OF REGISTRY ACT OF 2000

Mr. REID. Mr. President, I rise today along with the Senior Senator from Massachusetts, Mr. KENNEDY, to introduce the Date of Registry Act of 2000.

The Date of Registry Act of 2000, complements similar legislation I introduced last year in an effort to fix a terrible mistake made by the Congress in 1996. Tucked into the massive piece of legislation known as IIRA IRA, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, was an obscure, but lethal, provision which stripped the federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service. Most troubling is the fact that this provision nullified legitimate claims based upon substantiated evidence that the Immigration and Nationalization Service had bypassed Congressional intent in denying benefits to certain undocumented persons who have come to be known as the ''late amnesty'' class of immigrants. Through this limitation, Section 377 of IIRA IRA has caused significant hardships, and denied due process and fundamental fairness, for hundreds of thousands of hard working immigrants, including several thousand in my home State of Nevada. These are good, hard-working people who have been in the United States and had been paying taxes for more than ten years, who suddenly lost their jobs and the ability to support their families.

In an effort to repeal the limitation on judicial jurisdiction imposed by Section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, I introduced S. 1552, the Legal Amnesty Restoration Act of 1999. In addition to repealing Section 377, S. 1552 would also change the date of registry for those immigrants seeking legalized, documented status in the United States from January 1, 1972, to January 1, 1984. The legislation I am introducing today focuses on this aspect of last year's legislation, and would change the date of registry from January 1, 1972, to January 1, 1986.

The date of registry exists as a matter of public policy, with the recognition that immigrants who have remained in the country continuously for an extended period of time—in some cases, up to thirty years—are highly unlikely to leave. Today, we must accept the reality that many of the people living in the United States are undocumented immigrants who have been here for quite a long time. Consequently, many people living in this country do not pay their fair share of taxes because they are unable to work legally. Furthermore, the businesses who employ these undocumented persons also do not pay their fair share of taxes. These are the facts, and coupled with the knowledge that we can't simply solve this problem by wishing that it will go away, is the reality we must face when considering our immigration policies.

We last changed the date of registry in 1986, with the passage of the Immigration Reform and Control Act, which changed the date to January 1, 1972. In doing so, the 99th Congress employed the same rationale I have outlined above in support of a registry date change. Furthermore, I have mirrored the 99th Congress in another, critical aspect, by establishing an approximate fifteen-year differential between the date of enactment and the updated date of registry.

Mr. President, I should note one more thing about the Immigration Reform and Control Act of 1986. That legislation which last changed the date of registry was passed by a Democratic House of Representatives and a Republican Senate, and was signed into law by President Reagan. I mention these facts to highlight my hope that support for this legislation will be bi-partisan and based upon our desire to ensure fundamental fairness as a matter of public policy in this country.

Finally, the legislation I am introducing today builds upon the fifteen year differential standard established in the 1986 reform legislation by implementing a ''rolling registry'' date which would sunset in five years without Congressional reauthorization. In other words, on January 2002, the date of registry would automatically change to January 1, 1987, thereby maintaining the fifteen year differential. The date of registry would continue to change on a rolling basis through January 1, 2006, when the date of registry would be January 1, 1991. Limiting this annual, automatic change to five years will allow the Congress to examine both the positive and negative effects of a rolling date of registry and make an informed decision on reauthorization.

Mr. President, as I stated when I introduced S. 1552 last year, I don't pretend that this legislation will solve all the problems of our immigration and legalization procedures. However, we have an obligation to face our problems, and the reality is that there are many, many undocumented immigrants who live in this country who would be much more productive contributors to American society if they were legal residents, workers and taxpayers. We know this to be true, as evidenced by the thousands of immigrants in Southern Nevada whose status had yet to be adjusted, but were working legally and paying taxes—in some instances for more than ten years—when their employment permits were revoked as a result of the 1996 IIRA IRA legislation. I have met with many of these people on several occasions and I have witnessed, firsthand, their pain and genuine suffering. Good people who have worked hard and paid their taxes in order to live the American dream only to see their efforts turn into a nightmare.

As I stated when I introduced S. 1552 last year, I don't pretend that my legislation will solve all the problems of immigration and legalization policies. However, we must face these problems head on, and that is precisely my intent in introducing this legislation today.

By Mr. BINGAMAN (for himself and Mr. INOUYE):

S. 2408. A bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

HONORING THE NAVAJO CODE TALKERS ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation, recognizing the heroic contributions of a group of Native American soldiers who served in the Pacific theater during the second World War. This legislation will authorize the President of the United States to award a gold medal, on behalf of the Congress, to each of the original twenty-nine Navajo Code Talkers, as well as a silver medal to each man who later qualified as a Navajo Code Talker (MOS 642). These medals are to express recognition by the United States of America and its citizens of the Navajo Code Talkers who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and in hastening the end of the war in the Pacific.

It has taken too long to properly recognize these soldiers, whose achievements have been obscured by twin veils of secrecy and time. As they approach the final chapter of their lives, it is only fitting that the nation pay them this honor. That's why I am introducing this legislation today—to salute these brave and innovative Native Americans, to acknowledge the great contribution they made to the Nation at a time of war, and to finally give them their rightful place in history.

With each new successive generation of Americans, blessed as we are in this time of relative peace and prosperity, it is easy to forget what the world was like in the early 1940's. The United States was at war in Europe, and on December 7, 1941, we were faced with a second front as the Japanese Empire attacked Pearl Harbor.

One of the intelligence weapons the Japanese possessed was an elite group of well-trained English speaking soldiers, used to intercept U.S. communications, then sabotage the message or issue false commands to ambush American troops. Military code became more and more complex—at Guadalcanal, military leaders complained that it took 2½ hours to send and decode a single message.

The idea to use Navajo for secure communications came from Philip Johnson. Johnson was the son of a missionary, raised on the Navajo reservation, and one of the few non-Navajos who spoke their language fluently. But he was also a World War I veteran, and knew of the military's search for a code that would withstand all attempts to decipher it. Johnson believed Navajo answered the military requirement for an undecipherable code because Navajo is an unwritten language of extreme complexity. In early 1942, he met with the Commanding General of Amphibious Corps, Pacific Fleet, and his staff to convince them of the value of the Navajo language as code. In one of his tests, he demonstrated that Navajos could encode, transmit, and decode a three-line English message in 20 seconds. Twenty-seconds!

Convinced, the Marine Corps called upon the Navajo Nation to support the military effort by recruiting and enlisting Navajo men to serve as Marine Corps Radio Operators. These Navajo Marines, who became known as the Navajo Code Talkers, used the Navajo language to develop a unique code to communicate military messages in the South Pacific. True to Phillip Johnson's prediction, and the enemy's frustration, the code developed by these Native Americans proved unbreakable and was used throughout the Pacific theater.

Their accomplishment was even more heroic given the cultural context in which they were operating:

The Navajos were second-class citizens and were discouraged from using their own language; and

They were living on reservations, as many still are today, yet they volunteered to serve, protect, and defend the very power that put them there.

But the Navajo, a people subjected to alienation in their own homeland, who had been discouraged from speaking their own language, stepped forward and developed the most significant and successful military code of the time:

This Code was so successful that military commanders credited the Code in saving the lives of countless American soldiers and the successful engagements of the U.S. in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa. At Iwo Jima, Major Howard Connor, 5th Marine Division signal officer, declared, ''Were it not for the Navajos, the Marines would never have taken Iwo Jima.'' Major Connor had six Navajo code talkers working around the clock during the first 48-hours of the battle. Those six sent and received over 800 messages, all without error;

This Code was so successful that some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy; and finally,

It was so successful that the Department of Defense kept the Code secret for 23 years after the end of World War II, when it was finally declassified.

And there, Mr. President, is the foundation of the problem.

If their achievements had been hailed at the conclusion of the war, proper honors would have been bestowed at that time. But the Code Talkers were sworn to secrecy, an oath they kept and honored, but at the same time, one that robbed them of the very accolades and place in history they so rightly deserved. Their ranks include veterans of Guadalcanal, Saipan, Iwo Jima, and Okinawa; they gave their lives at New Britain, Bougainville, Guam, and Peleliu. But, while the bodies of their fallen comrades came home, simple messages of comfort from those still fighting to relatives back home on the reservations were prohibited by the very secrecy of the code's origin. And at the end of the war, these unsung heroes returned to their homes on buses—no parades, no fanfare, no special recognition for what they had truly accomplished—because while the war was over, their duty—their oath of secrecy—continued. The secrecy surrounding the code was maintained until it was declassified in 1968—only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

For the countless lives they helped save, for this contribution that helped speed the Allied victory in the Pacific, I believe they succeeded beyond all expectations.

Through the enactment of this bill, the recognition for the Navajo Code Talkers will be delayed no longer, and they will finally take their place in history they so rightly deserve.

To this end, I urge my colleagues to support the bill.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2408

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 ''Honoring the Navajo Code Talkers Act''

SEC. 2. FINDINGS.

Congress finds the following:

(1) On December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by the Congress the following day.

(2) The military code, developed by the United States for transmitting messages, had been deciphered by the Japanese and a search by U.S. Intelligence was made to develop new means to counter the enemy.

(3) The United States government called upon the Navajo Nation to support the military effort by recruiting and enlisting twenty-nine (29) Navajo men to serve as Marine Corps Radio Operators; the number of enlistees later increased to over three-hundred and fifty.

(4) At the time, the Navajos were second-class citizens, and they were a people who were discouraged from using their own language.

(5) The Navajo Marine Corps Radio Operators, who became known as the Navajo Code Talkers, were used to develop a code using their language to communicate military messages in the Pacific.

(6) To the enemy's frustration, the code developed by these Native Americans proved to be unbreakable and was used extensively throughout the Pacific theater.

(7) The Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time. At Iwo Jima alone, they passed over 800 error-free messages in a 48-hour period;

(a) So successful, that military commanders credited the Code in saving the lives of countless American soldiers and the successful engagements of the U.S. in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(b) So successful, that some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy;

(c) So successful, that the code was kept secret for 23 years after the end of World War II.

(8) Following the conclusion of World War II, the U.S. Department of Defense maintained the secrecy of the Navajo code until it was declassified in 1968; only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to each of the original twenty-nine Navajo Codes Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Codes Talkers. The President is further authorized to award to each man who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, a silver medal with suitable emblems and devices. These medals are to express recognition by the United States of America and its citizens in honoring the Navajo Code Talkers who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and in hastening the end of the World War II in the Pacific.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the 'Secetary') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. HOLLINGS (for himself and Mr. SARBANES) (by request):

S. 2409. A bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY AND COMMUNITY PROTECTION ACT OF 2000

Mr. HOLLINGS. Mr. President, I am pleased to introduce the Pipeline Safety and Community Protection Act of 2000 on behalf of the administration. Yesterday, Vice President GORE transmitted this proposal to the Congress, and requested introduction and referral of the bill to the appropriate committee. The purpose of this legislation is to provide for enhanced safety and environmental protection in pipeline transportation.

The Senate Committee on Commerce, Science, and Transportation held a field hearing in Bellingham, Washington, last month on pipeline safety. In addition, I expect the committee to hold another hearing on pipeline safety reauthorization within the next month. Senator MURRAY has introduced a pipeline safety bill and it is my understanding that an additional pipeline safety bill is to be introduced by Chairman MCCAIN today. I am interested in reviewing all of the bills and look forward to the committee's action on pipeline safety reauthorization in the coming months.

Mr. President, I request unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2409

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety and Community Protection Act of 2000''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—

SEC. 2. ADDITIONAL PIPELINE PROTECTIONS.

(a) Section 60109 is amended by adding at the end the following:

''(c) OPERATOR'S RISK ANALYSIS AND PROGRAM FOR INTEGRITY MANAGEMENT.—

(1) GENERAL REQUIREMENT.—Within 1 year after the Secretary, in consultation with the Administrator of the Environmental Protection Agency, establishes criteria under subsection (a)(1) of this section, an operator of a natural gas transmission pipeline facility or hazardous liquid pipeline facility shall evaluate the risks to the operator's pipeline facility in the areas identified by these criteria and shall adopt and implement a program for integrity management that reduces the risks in those areas.

''(2) STANDARDS FOR PROGRAM.—An operator shall include at least the following in the program for integrity management:

''(A) internal inspection or another equally protective method, such as pressure testing, that represents use of the best achievable technology and that directly assesses the integrity of the pipeline on a periodic basis that is commensurate to the risk to people and the environment of the pipeline being inspected;

''(B) clearly defined criteria for evaluating and acting on the results of the inspection or testing done under subparagraph (A);

''(C) an analysis on a continuing basis that integrates all available information about the integrity of the pipeline or the consequences of a release;

''(D) prompt actions to address integrity issues raised by the analysis required by subparagraph (C);

''(E) measures that prevent and mitigate the consequences of a release and, in the case of a release of a hazardous substance or discharge of oil, are consistent with the National Contingency Plan, including leak detection, integrity evaluation, emergency flow restricting devices, and other prevention, detection, and mitigation measures that are appropriate for the protection of human health and the environment; and

''(F) consideration of the consequences of hazardous liquid releases.

''(3) CRITERIA FOR PROGRAM STANDARDS.—

''(A) In deciding how frequently the inspection or testing under paragraph (2)(A) must be conducted, an operator shall take into account the potential for the development of new defects, the operational characteristics of the pipeline, including age, operating pressure, block valve location, and spill history, the location of areas identified under subsection (a)(1), any known deficiencies of the method of pipeline construction or installation, and the possible flaw growth of new and existing defects. In considering the potential for development of new defects from outside force damage, an operator shall consider information available about current or planned excavation activities and the effectiveness of damage prevention programs in the area.

''(B) An operator shall adopt standards under this section that provide an equivalent minimum level of protection as that provided by the applicable level established by national consensus standards organizations.

''(C) An operator shall implement pressure testing and other integrity management techniques in a manner that does not increase environmental or safety risks, such as by use of petroleum for pressure testing.

''(4) AUTHORITY FOR ADDITIONAL STANDARDS.—The Secretary shall prescribe additional standards to direct an operator's conduct of a risk analysis or adoption or implementation of a program for integrity management. These standards shall address the type or frequency of inspection or testing required, the manner in which it is conducted, the criteria used in analyzing results, the types of information sources that must be integrated as well as the manner of integration, the nature and timing of actions selected to address integrity issues, and such other factors as appropriate to assure that the integrity of the pipeline facility is addressed and that appropriate mitigative measures are adopted to protect areas identified under subsection (a)(1). The Secretary may also prescribe standards that require an owner or operator of a natural gas transmission or hazardous liquid pipeline facility to include in the program of integrity management changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the risk analysis the operator conducts, and the use of emergency flow restricting devices.

''(5) MONITORING IMPLEMENTATION.—A risk analysis and program for integrity management required under this section shall be reviewed by the Secretary of Transportation as an element of Departmental inspections, and the analysis and program, as well as the records demonstrating implementation, shall be made available to the Secretary on request under section 60117.''.

(b) Section 60102 is amended—

(1) by striking ''facilities.'' in subsection (e)(2) and inserting ''facilities, not including tanks incidental to pipeline transportation.'';

(2) by striking paragraph (2) of subsection (f);

(3) by striking ''(1)'' in subsection (f);

(4) by redesignating subparagraphs (A) and (B) of subsection (f)(1) (as such subsection was in effect before its amendment by paragraph (3) of this subsection) as paragraphs (1) and (2), respectively;

(5) by striking paragraph (2) of subsection (j) and redesignating paragraph (3) as paragraph (2); and

(6) by adding at the end thereof the following:

''(m) INTEGRITY MANAGEMENT REGULATIONS.—

''(1) Not later than December 31, 2000, the Secretary shall issue final regulations authorized by this section and sections 60104, 60108, and 60109 for the implementation of an integrity management program by operators of more than 500 miles of hazardous liquid pipelines.

''(2) Not later than 2 years after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, the Secretary shall issue final regulations that extend the requirements imposed by the regulations described in paragraph (1) to every operator of a hazardous liquid pipeline or natural gas transmission pipeline subject to the jurisdiction of this chapter. In the event that the Secretary fails to fulfill this requirement within two years, all the requirements imposed by the regulations described in paragraph (1) shall, on the date that is two years after the enactment of this subsection, apply to every operator of a hazardous liquid pipeline or natural gas transmission pipeline subject to the jurisdiction of this chapter.

''(3) Not later than 3 years after the date of enactment of the Pipeline Safety and Community Protection Act of 2000—

''(A) the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas;

''(B) the Secretary shall promptly make a Secretarial determination as to the effect on safety and the environment of extending the requirements imposed by the regulations described in paragraph (1) to additional areas using the best achievable technology; and

''(C) based on the determination described in subparagraph (B), the Secretary shall promptly promulgate regulations that would provide measurable improvements to safety or the environment in these areas by extending regulatory requirements at least as protective to these areas.''.

(f) Section 60118(a) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) striking ''title.'' in paragraph (3) and inserting ''title; and''; and

(3) adding at the end the following:

''(4) conduct a risk analysis and prepare and carry out a program for integrity management for pipeline facilities in certain areas as required under section 60109(c).''.

(g) Section 60104(b) is amended by striking ''adopted.'' and inserting ''adopted, unless the Secretary determines that application of the standard is necessary for safety or environmental protection.''.

SEC. 3. COMMUNITY RIGHT TO KNOW AND EMERGENCY PREPAREDNESS.

(a) Section 60116 is amended to read as follows:

§ 60116. Community right to know

''(a) PUBLIC EDUCATION PROGRAMS.—

''(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

''(2) Within 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed plan shall be reviewed by the Secretary of Transportation as an element of Departmental inspections.

''(3) The Secretary may issue standards prescribing the details of a public education program and providing for periodic review of the effectiveness and modification as needed. The Secretary may also develop material for use in the program.

''(b) LIAISON WITH STATE AND LOCAL EMERGENCY RESPONSE ENTITIES.—Within 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates. An operator shall, when requested, make available to the State emergency response commissions and local emergency planning committees the information described in section 60102(d), any program for integrity management developed under section 60109(c), and information about implementation of that program and about the risks the program is designed to address. In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

''(c) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall make available to the public a safety-related condition report filed by an operator under section 60102(h) and a report of a pipeline incident filed by an operator under this chapter.

''(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM INFORMATION.—The Secretary shall prescribe requirements for public access to integrity management program information prepared under this chapter.

''(e) AVAILABILITY OF MAPS.—

''(1) The owner or operator of each interstate gas pipeline facility shall provide, at least annually, to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of the facility.

''(2) Not later than 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, and annually thereafter, the owner or operator of each hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility.

''(f) EFFECTIVENESS OF PUBLIC SAFETY AND PUBLIC EDUCATION PROGRAMS.—

''(1) The Secretary shall survey and assess the public education programs under this section and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. The survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

''(2) In issuing standards for public safety programs under section 60102(a) or for public education programs under this section, the Secretary shall consider the results of the survey and assessment done under paragraph (1).

''(3) The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities.''.

(d) Section 60102(c) is amended by striking paragraph (4).

(e) Section 60102(h)(2) is amended by striking ''authorities.'' and inserting ''officials, including the local emergency responders, and appropriate on-scene coordinators for the area contingency plan or sub-area contingency plan.''.

(f) Section 60120(c) is amended by adding at the end the following: ''Nothing in section 60116 shall be deemed to impose a new duty on State or local emergency responders or local emergency planning committees.''.

(g) The analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

''60116. Community right to know''.

SEC. 4. ENFORCEMENT.

(a) GENERAL AUTHORITY.—Section 60112 is amended—

(1) by striking all after ''if the Secretary'' in subsection (a) and inserting ''decides that—

''(1) operation of the facility is or would be hazardous to life, property, or the environment; or

''(2) the facility is or would be constructed or operated, or a component of the facility is or would be constructed or operated, with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.'';

(2) by striking ''is hazardous'' in subsection (d) and inserting ''is or would be hazardous''; and

(3) by adding at the end the following:

''(f) OPTIONAL WAIVER OF NOTICE AND HEARING REQUIREMENTS.—If the Secretary decides that a facility may present a hazard under subsection (a)(1) or (2), the Secretary may waive the notice and hearing requirements in subsection (a) and request the Attorney General to bring suit on behalf of the United States in an appropriate district court to obtain an order to restrain the operator of the facility from such operation, or to take such other action as may be necessary, or both.''.

(b) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking ''$25,000'' in subsection (a)(1) and ''$500,000'' and substituting ''$100,000'' and ''$1,000,000'', respectively; and

(2) by adding at the end of subsection (a)(1) ''The maximum civil penalty for a related series of violations does not apply to a judicial enforcement action under section 60120 or 60121.''; and

(3) by striking subsection (b) and inserting the following:

''(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

''(B) other matters that justice requires.''.

(c) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking ''knowingly and willfully'';

(2) by inserting ''knowingly and willfully'' before ''engages'' in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

''(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

(d) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

''(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.''.

(e) CITIZEN SUITS.—Section 60121(a)(1) is amended by striking the first sentence and ''However, the'' and inserting: ''A person may bring a civil action in an appropriate district court of the United States against a person owning or operating a pipeline facility to enforce compliance with this chapter or a standard prescribed or an order issued under this chapter. The district court may enjoin noncompliance and assess civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122. The''.

SEC. 5. UNDERGROUND DAMAGE PREVENTION.

(a) Section 60114 is amended by inserting after subsection (b) the following:

''(c) CONFORMITY WITH CHAPTER 61.—Regulations prescribed by the Secretary under subsection (a) do not apply to a State that has a One-Call notification program accepted by the Secretary as meeting the minimum standards of section 6103 of this title or approved by the Secretary as an alternative program under section 6104(c) of this title.''.

(b) Section 60102(c) is amended—

(1) by inserting ''or hazardous liquid pipeline facility'' before ''participate'' in paragraph (1); and

(2) striking paragraph (3).

(c) Section 60104 is amended by adding at the end the following:

''(f) STATE ONE-CALL NOTIFICATION LAWS.—Notwithstanding subsection (c) of this section, a State may enforce a requirement of a One-Call notification law that satisfies sections 6103 or 6104(c) of this title, or section 60114(a) of this chapter, against an operator of an interstate natural gas pipeline facility or an interstate hazardous liquid pipeline facility provided that the requirement sought to be enforced is compatible with the minimum standards prescribed under this chapter.''.

(d) Section 60123 is amended by adding at the end thereof the following:

''(e) MISDEMEANOR FOR NOT USING ONE-CALL.—A person shall be fined under title 18, imprisoned for not more than 1 year, or both, if the person knowingly engages in an excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area.''.

SEC. 6. ENHANCED ABILITY OF STATES TO OVERSEE OPERATOR ACTIVITIES.

(a) Section 60106(a) is amended—

(1) by inserting ''(1)'' before ''If'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) adding at the end thereof the following:

''(2) If the Secretary accepts a certification under section 60105 of this title, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. An agreement shall include a plan for the State authority to participate in special investigations involving new construction or incidents.

''(3) An agreement under paragraph (2) may also include a program allowing for participation by the State authority in other activities overseeing interstate pipeline transportation that supplement the Secretary's program and address issues of local concern, provided that the Secretary determines that—

''(A) there are no significant gaps in the regulatory jurisdiction of the State authority over intrastate pipeline transportation;

''(B) implementation of the agreement will not adversely affect the oversight of intrastate pipeline transportation by the State authority;

''(C) the program allowing participation of the State authority is consistent with the Secretary's program for inspection; and

''(D) the State promotes preparedness and prevention activities that enable communities to live safely with pipelines.''.

(b) Section 60106(d) is amended by inserting after the first sentence the following: ''In addition, the Secretary may end an agreement for the oversight of interstate pipeline transportation when the Secretary finds that there are significant gaps in the regulatory authority of the State authority over intrastate pipeline transportation, or that continued participation by the State authority in the oversight of interstate pipeline transportation is not consistent with the Secretary's program or would adversely affect oversight of intrastate pipeline transportation, or that the State is not promoting activities that enable communities to live safely with pipelines.''.

(c) STATE GRANTS.—Section 60107 is amended by adding at the end the following:

''(e) SPECIAL INVESTIGATION OF INTERSTATE PIPELINE FACILITIES.—

''(1) Notwithstanding subsection (a) of this section, the Secretary may pay up to 100 percent of the cost of the personnel, equipment, and activities of a State authority acting as an agent of the Secretary in conducting a special investigation involved in monitoring new construction or investigating an incident, on an interstate gas pipeline facility or an interstate hazardous liquid pipeline facility.

''(2) This subsection shall become effective on October 1, 2001.''.

SEC. 7. IMPROVED DATA AND DATA AVAILABILITY.

(a) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting ''(1)'' before ''To'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter and from rural gathering lines not regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

''(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation available to the Secretary within the time limits prescribed in a written request.''; and

(4) inserting ''(4)'' before ''The Secretary''.

(b) PENALTY AUTHORITIES.—

(1) Section 60122(a) is amended by striking ''60114(c)'' and substituting ''60117(b)(3)''.

(2) Section 60123(a) is amended by striking ''60114(c)'' and substituting ''60117(b)(3)''.

(c) Section 60117 is amended by adding at the end the following:

''(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary may establish the depository through cooperative arrangements, and the Secretary shall make such information available for use by State and local planning and emergency response authorities and the public.''.

SEC. 8. ENHANCED INVESTIGATION AUTHORITIES.

(a) CLARIFICATION OF AUTHORITY.—Section 60117(c) is amended by striking ''decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter'' and inserting ''carry out the duties and responsibilities of this chapter. The Secretary may question an individual about matters relevant to an investigation, including such matters as the design, construction, operation, or maintenance of the system, the individual's qualifications, or the operator's response to an emergency''.

(b) EXPENSES OF INVESTIGATION.—Section 60117, as amended by section 7, is further amended by adding at the end the following:

''(m) EXTRAORDINARY EXPENSES OF INCIDENT INVESTIGATION.—The Secretary may, by regulation, establish procedures to recover the Secretary's costs incurred because of investigation of incidents from the operators of the pipeline facilities involved in the incidents. These costs may include travel costs and contract support for the investigation and monitoring of the corrective measures. All sums collected shall be deposited into the Pipeline Safety Fund and shall be available, to the extent and in the amount provided in advance in appropriations acts, to reimburse the Secretary for the costs of investigation and monitoring of the incidents. Such amounts are authorized to be appropriated to be available until expended.''.

SEC. 9. INTERNATIONAL AUTHORITY.

Section 60117, as amended by section 8, is further amended by adding at the end the following subsection:

''(n) GLOBAL SHARING OF ENVIRONMENTAL AND SAFETY INFORMATION.—Subject to guidance and direction of the Secretary of State, the Secretary of Transportation is directed to support international efforts to share information about the risks to the public and the environment from pipelines and the means of protecting against those risks. The extent of support should include a consideration of the benefits to the public from an increased understanding by the Secretary of technical issues about pipeline safety and environmental protection and from possible improvement in environmental protection outside the United States.''.

SEC. 10. RISK MANAGEMENT DEMONSTRATION PROGRAM.

Section 60126(a) is amended by adding at the end the following paragraph:

''(3) CONTINUATION OF INDIVIDUAL PROJECT.—Without regard to any recommendations made with respect to the risk management demonstration program under subsection (e) of this section, the Secretary may, by order, allow the continuation of an individual project begun under this program beyond the termination of the program, provided the Secretary finds that—

''(A) the pipeline operator has a clear and established record of compliance with respect to safety and environmental protection;

''(B) the project is achieving superior levels of public safety and environmental protection; and

''(C) the continuation would not extend the project more than four years from the date of the initial approval of the project.''.

SEC. 11. SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOPMENT.

Section 60117, as amended by section 9, is further amended by adding at the end the following subsection:

"(o) SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOPMENT.—

"(1) To the extent and in the amount provided in advance in appropriations acts, the Secretary of Transportation shall participate in the development of alternative technologies—

"(A) in fiscal year 2001 and thereafter, to—

"(i) identify outside force damage using internal inspection devices; and

"(ii) monitor outside-force damage to pipelines; and

"(B) In fiscal year 2002 and thereafter, to inspect pipelines that cannot accommodate internal inspection devices available on the date of the enactment of the Pipeline Safety and Community Protection Act of 2000.

"(2) The Secretary may support such technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 60125 is amended—

(1) by striking subsections (a), (b), (c)(1), and (d) and inserting the following:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

"(1) $30,118,000 for fiscal year 2001; and

"(2) such sums as may be necessary for fiscal years 2002, 2003, and 2004.

"(b) STATE GRANTS.—

"(1) Not more than the following amounts may be appropriated to the Secretary to carry out section 60107:

"(A) $17,019,000 for fiscal year 2001.

"(B) Such sums as may be necessary for fiscal years 2002, 2003, and 2004."; and

(2) redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

Mr. SARBANES. Mr. President, I am pleased to join with my colleague, Senator HOLLINGS, in introducing, by request, the Pipeline Safety and Community Protection Act of 2000 proposed and announced yesterday by Vice President GORE. This legislation is an important step forward in improving safety and environmental protection in oil and gas pipelines.

Mr. President, last Friday night, the State of Maryland experienced a major oil spill—one its worst spills in many years. More than 110,000 gallons of No. 2 oil leaked from a pipe at Pepco's Chalk Point Generating Station into Swanson Creek in Prince Georges County. Bad weather and high winds exacerbated the problem and spread the spill into the Patuxent River. It has now affected some 8 miles of shoreline, acres of sensitive wetland habitat, and dozens of wildlife in three counties along the Patuxent.

Six federal agencies—EPA, the U.S. Coast Guard, Fish and Wildlife Service, National Oceanic and Atmospheric Administration, U.S. Department of Transportation and the National Transportation Safety Board—are on site coordinating clean-up activities and investigations into the causes of the leak. The Maryland Departments of the Environment and Natural Resources have taken steps to protect and rehabilitate impacted wildlife and to restrict harvesting in clam and oyster beds in the area. Pepco crews and contractors have recovered more than 70,000 gallons of the spilled oil. But recovering or cleaning up the remaining oil will be much more difficult and its cumulative impact on the environment will not be known for months, if not years. The Federal and State agencies have an important responsibility to ensure that Pepco does everything possible to clean up the spill and remediate the environmental and economic damage. But an aggressive clean-up effort must be accompanied with a comprehensive program to prevent such spills from occurring in the first place. While the precise cause of this oil leak is not yet known and is still under investigation, steps can and must be taken to help detect problems before pipelines fail and to minimize the environmental and other consequences of a failure.

The Pipeline Safety and Community Protection Act being introduced today would reauthorize and enhance the U.S. Department of Transportation's pipeline safety program by increasing inspection and testing of pipeline integrity. It would require pipeline operators to take extra precautions in populated or environmentally sensitive areas, such as the area where the Pepco spill occurred. It would strengthen enforcement authorities by expanding penalties for violations and compliance monitoring by Federal and State investigators. It would expand research into new technologies for monitoring pipelines and detecting leaks. Finally, it would strengthen Community-Right-to-Know and reporting requirements on releases and authorize additional funding for the Department's and State pipeline safety activities.

Mr. President, this legislation is strongly supported by the State of Maryland and represents a constructive step forward in enhancing safety and environmental protection in pipeline transportation. I look forward to working with the members of the Commerce Committee as they consider this and other proposals to reauthorize the pipeline safety program.

By Mr. MURKOWSKI (by request):

S. 2410. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

AUTHORIZATION INCREASE FOR THE RECLAMATION SAFETY OF DAMS ACT

Mr. MURKOWSKI. Mr. President, I send to the desk, for appropriate reference, legislation submitted by the administration to increase the authorization of appropriations for the Bureau of Reclamation's Safety of Dams program. Let me emphasize that I am introducing this legislation at the request of the administration. Neither I nor any other member of the Committee on Energy and Natural Resources has taken a position on the merits of the legislation at this time. I understand some water users have expressed concerns with this legislation, and I want to assure them that the Water and Power Subcommittee, to which this bill will be referred, will have a hearing on the legislation so that they can make their concerns a part of the record and address them in the legislative process. Ensuring the safety of dams under the jurisdiction of the Bureau of Reclamation is very important but is must be done in a way that ensures safety at Reclamation facilities while not causing undue financial hardship for project beneficiaries. I ask unanimous consent that the letter of transmittal from the administration and a section-by-section of the legislation that the administration prepared be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, August 5, 1999.

Hon. ALBERT GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation to increase by $380,000,000 the authorized cost ceiling for the Bureau of Reclamation's dam safety program authorized program authorized in Public Law 95–578 and Public Law 98–404. I would appreciate your assistance in seeing that this legislation is introduced, referred to the appropriate Congressional Committee for consideration, and enacted.

The Bureau of Reclamation's dam safety program is designed to ensure that its facilities are operated in a safe and reliable condition. The purpose of the program is to protect the public, property and natural resources downstream of Reclamation structures.

The Bureau of Reclamation expends approximately $60 million per year for dam safety purposes and estimates that the existing $650,000,000 cost ceiling will be exceeded in Fiscal Year 2001. The enclosed legislation is necessary to continue funding this important program.

In addition to increasing the authorized cost ceiling, the legislation would make a few important changes to the dam safety program. Under existing law, irrigators are required to pay a portion of the dam safety costs within 50 years without interest. The draft bill would amend the statute to charge interest on the dam safety costs allocated for irrigation purposes, This makes irrigation repayment terms for dam safety activities consistent with municipal and industrial water supply.

Existing law also requires the Bureau of Reclamation to send a dam modifications report to Congress for dam safety work costing more than $750,000. The report must rest before Congress for 60 legislative days prior to Reclamation obligating funds for dam safety construction, The attached legislation would raise the threshold for a Congressional report to $1.2 million, reduce to 30 calendar days the time required for a dam safety modification report to rest in Congress prior to Reclamation commencing dam safety repair work.

A section-by-section analysis of the legislation also is attached. Thank you for your consideration of this request.

A similar package has been transmitted to the Speaker of the House of Representatives. If you have any questions concerning this legislation, please contact James Hess, Acting Chief, Congressional and Legislative Affairs Group for the Bureau of Reclamation, at 202–208–5840.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal from the standpoint of the administration's program.

Sincerely,

ELUID L. MARTINEZ,
Commissioner.

Enclosure

SECTION-BY-SECTION ANALYSIS

Section (A)(1). Makes Federal dam safety assistance unavailable for costs incurred because the operating entity does not adequately maintain the structure.

Section 1(A)(2)(a). Makes the additional $380 million authorized to be appropriated by Section 1(B)(1) subject to the 15 percent reimbursability requirement.

Section 1(A(2)(b). Strikes the existing provision that limits repayment of the costs allocated to irrigation to the irrigators' ability to pay.

Section 1(A)(2)(c)–(d). Renumbers the subsections of existing Section 4.

Section 1(A)(2)(e). Existing law requires that dam safety costs allocated to certain purposes, including municipal, industrial, and power, but not including irrigation, be repaid with interest. This provision includes irrigation costs among those to be repaid with interest. Furthermore, costs allocated to irrigation under this Act should be repaid by the irrigators without assistance from power revenues.

Section 1(A)(2)(f). Explicitly provides that costs allocated under this Act to project purposes will be repaid with interest and without regard to water users' ability to pay, thereby eliminating any assistance from power users to water users.

Section 1(A)(3). Authorizes the Secretary to use monies received pursuant to a repayment contract at any time prior to completion of the dam safety construction work.

Section 1(B)(1). Authorizes the appropriation of an additional $380 million (indexed for inflation) for dam safety.

Section 1(B)(2). Increases to $1,200,000 (indexed for inflation) the threshold amount of triggering when the Bureau of Reclamation must send a modification report to Congress prior to obligating funds for dam safety construction. Existing law requires a report for any obligation exceeding $750,000.

Section 1(B)(3). Reduces from 60 legislative days to 30 calendar days the time that a dam safety modification report must lie before Congress before the Bureau of Reclamation can obligate funds for dam safety construction.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. HARKIN, Mr. CONRAD, Mr. DORGAN, Mr. JOHNSON, Mr. FEINGOLD, Mr. KOHL, Mr. KERREY, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. LEVIN, and Mr. JEFFORDS)

S. 2411. A bill to enhance competition in the agricultural sector and to protect family farms and ranches and rural communities from unfair, unjustly discriminatory, or deceptive practices by agribusinesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS AND RANCHERS FAIR COMPETITION ACT OF 2000

Mr. DASCHLE. 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. 2411

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''Farmers and Ranchers Fair Competition Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congressional Joint Economic Committee data suggests that over the last 15 years, agribusiness profits have come almost exclusively out of producer income, rather than from increased retail prices. Given the lack of market power of producers, this data raises the question of whether the trend has been a natural market development or is instead a sign of market failure.

(2) Most economists agree that in the last 15 years the real market price for a market basket of food has increased by approximately 3 percent, while the farm value of that food has fallen by approximately 38 percent. Over that period, marketing costs have decreased by 15 percent, which should have narrowed rather than widened the gap.

(3) There is significant concern that increasingly vertically integrated multinational corporations, especially those that own broad biotechnology patents, may be able to exert unreasonable and excessive market power in the future by acquiring companies that own other broad biotechnology patents.

(4) The National Association of Attorneys General is very concerned with the high degree of economic concentration in the agricultural sector and the great potential for anticompetitive practices and behavior. They estimate the top 4 meat packing firms control over 80 percent of steer and heifer slaughter, over 55 percent of hog slaughter, and over 65 percent of sheep slaughter. Increased concentration in the dairy procurement and processing sector is also raising significant concerns.

(5) In the grain industry, United States Department of Agriculture reports that the top 4 firms controlled 56 percent of flour milling, 73 percent of wet corn milling, 71 percent of soybean milling, and 62 percent of cotton seed oil milling.

(6) Moreover, the figures in paragraphs (4) and (5) underestimate true levels of concentration and potential market power because they fail to reflect the web of unreported and difficult to trace joint ventures, strategic alliances, interlocking directorates, and other partial ownership arrangements that link many large corporations.

(7) Concentration of market power also has the effect of increasing the transfer of investment, capital, jobs, and necessary social services out of rural areas to business centers throughout the world. Many individuals representing a wide range of expertise have expressed concern with the potential implications of this trend for the greater public good.

(8) The recent increase in contracting for the production or sale of agricultural commodities, such as livestock and poultry, is a cause for concern because of the significant bargaining power the buyers of these products or services wield over individual farmers and ranchers.

(9) Transparent, freely accessible, and competitive markets are being supplanted by transfer prices set within vertically integrated firms and by the increasing use of private contracts.

(10) Agribusiness firms are showing record profits at the same time that farmers and ranchers are struggling to survive an ongoing price collapse and erratic price trends.

(11) The efforts of farmers and ranchers to improve their market position is hampered by—

(A) extreme disparities in bargaining power between agribusiness firms and the hundreds of thousands of individual farmers and ranchers that sell products to them;

(B) the rapid increase in the use of private contracts that disrupt price discovery and can unfairly disadvantage producers;

(C) the extreme market power of agribusiness firms and alleged anticompetitive practices in the industry;

(D) shrinking opportunities for market access by producers; and

(E) the direct and indirect impact these factors have on the continuing viability of thousands of rural communities across the country.

(b) PURPOSES.—The purposes of this Act are to—

(1) enhance fair and open competition in rural America, thereby fostering innovation and economic growth;

(2) permit the Secretary to take actions to enhance the bargaining position of family farmers and ranchers, and to promote the viability of rural communities nationwide;

(3) protect family farms and ranches from—

(A) unfair, unjustly discriminatory, or deceptive practices or devices;

(B) false or misleading statements;

(C) retaliation related to statements lawfully provided; and

(D) other unfair trade practices employed by processors and other agribusinesses; and

(4) permit the Secretary to take actions to enhance the viability of rural communities nationwide.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons engaged in the production, marketing, or processing of an agricultural commodity that meets the requirements of the Act of February 18, 1922, ''An Act to authorize association of producers of agricultural products'' (7 U.S.C. 291 et seq.; 42 Stat. 388) (commonly known as the ''Capper-Volstead Act'').

(3) BROKER.—The term ''broker'' means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, except that no person shall be considered a broker if the person's sales of such commodities are not in excess of $1,000,000 per year.

(4) COMMISSION MERCHANT.—The term ''commission merchant'' means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another, except that no person

shall be considered a commission merchant if the person's sales of such commodities are not in excess of $1,000,000 per year.

(5) DEALER.—The term ''dealer'' means—

(A) any person (except an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except—

(i) no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person shall be considered a dealer who buys, sells, or markets less than $1,000,000 per year of such commodities; and

(B) an agricultural cooperative which sells or markets agricultural commodities of its members' own production if such agricultural cooperative sells or markets more than $1,000,000 of its members' production per year of such commodities.

(6) PROCESSOR.—The term ''processor'' means—

(A) any person (except an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing in interstate or foreign commerce for human consumption except—

(i) no person shall be considered a processor with respect to the handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person who handles, prepares, or manufactures (including slaughtering) an agricultural commodity in an amount less than $1,000,000 per year shall be considered a processor; and

(B) an agricultural cooperative which processes agricultural commodities of its members' own production if such agricultural cooperative processes more than $1,000,000 of its members' production of such commodities per year.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES.

(a) PROHIBITIONS.—It shall be unlawful in, or in connection with, any transaction in interstate or foreign commerce for any dealer, processor, commission merchant, or broker—

(1) to engage in or use any unfair, unreasonable, unjustly discriminatory, or deceptive practice or device in the marketing, receiving, purchasing, sale, or contracting for the production of any agricultural commodity;

(2) to make or give any undue or unreasonable preference or advantage to any particular person or locality or subject any particular person or locality to any undue or unreasonable disadvantage in connection with any transaction involving any agricultural commodity;

(3) to make any false or misleading statement in connection with any transaction involving any agricultural commodity that is purchased or received in interstate or foreign commerce, or involving any production contract, or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction or production contract;

(4) to retaliate against or disadvantage, or to conspire to retaliate against or disadvantage, any person because of statements or information lawfully provided by such person to any person (including to the Secretary or to a law enforcement agency) regarding alleged improper actions or violations of law by such dealer, processor, commission merchant, or broker (unless such statements or information are determined to be libelous or slanderous under applicable State law);

(5) to include as part of any new or renewed agreement or contract a right of first refusal, or to make any sale or transaction contingent upon the granting of a right of first refusal, until 180 days after the General Accounting Office study under section 8 is complete; or

(6) to offer different prices contemporaneously for agricultural commodities of like grade and quality (except commodities regulated by the Perishable Agricultural Commodities Act (7 U.S.C. 181 et seq.)) unless—

(A) the commodity is purchased in a public market through a competitive bidding process or under similar conditions which provide opportunities for multiple competitors to seek to acquire the commodity;

(B) the premium or discount reflects the actual cost of acquiring a commodity prior to processing; or

(C) the Secretary has determined that such types of offers do not have a discriminatory impact against small volume producers.

(b) VIOLATIONS.—

(1) COMPLAINTS.—Whenever the Secretary has reason to believe that any dealer, processor, commission merchant, or broker has violated any provision of subsection (a), the Secretary shall cause a complaint in writing to be served on that person or persons, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker to attend and testify at a hearing to be held not sooner than 30 days after the service of such complaint.

(2) HEARING.—

(A) IN GENERAL.—The Secretary may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require the attendance and testimony of witnesses and the production of such accounts, records, and memoranda, as the Secretary deems necessary, for the determination of the existence of any violation of this subsection.

(B) RIGHT TO HEARING.—A dealer, processor, commission merchant, or broker may request a hearing if the dealer, processor, commission merchant, or broker is subject to penalty for unfair conduct, under this subsection.

(C) RESPONDENTS RIGHTS.—During a hearing the dealer, processor, commission merchant, or broker shall be given, pursuant to regulations issued by the Secretary, the opportunity—

(i) to be informed of the evidence against such person;

(ii) to cross-examine witnesses; and

(iii) to present evidence.

(D) HEARING LIMITATION.—The issues of any hearing held or requested under this section shall be limited in scope to matters directly related to the purpose for which such hearing was held or requested.

(3) REPORT OF FINDING AND PENALTIES.—

(A) IN GENERAL.—If, after a hearing, the Secretary finds that the dealer, processor, commission merchant, or broker has violated any provisions of subsection (a), the Secretary shall make a report in writing which states the findings of fact and includes an order requiring the dealer, processor, commission merchant, or broker to cease and desist from continuing such violation.

(B) CIVIL PENALTY.—The Secretary may assess a civil penalty not to exceed $100,000 for each such violation of subsection (a).

(4) TEMPORARY INJUNCTION AND FINALITY AND APPEALABILITY OF AN ORDER.—

(A) TEMPORARY INJUNCTION.—At any time after a complaint is filed under paragraph (1), the court, on application of the Secretary, may issue a temporary injunction, restraining to the extent it deems proper, the dealer, processor, commission merchant, or broker and such person's officers, directors, agents, and employees from violating any of the provisions of subsection (a).

(B) APPEALABILITY OF AN ORDER.—An order issued pursuant to this subsection shall be final and conclusive unless within 30 days after service of the order, the dealer, processor, commission merchant, or broker petitions to appeal the order to the court of appeals for the circuit in which such person resides or has its principal place of business or the District of Columbia Circuit Court of Appeals.

(C) DELIVERY OF PETITION.—The clerk of the court shall immediately cause a copy of the petition filed under subparagraph (B) to be delivered to the Secretary and the Secretary shall thereupon file in the court the record of the proceedings under this subsection.

(D) PENALTY FOR FAILURE TO OBEY AN ORDER.—Any dealer, processor, commission merchant, or broker which fails to obey any order of the Secretary issued under the provisions of this section after such order or such order as modified has been sustained by the court or has otherwise become final, shall be fined not less than $5,000 and not more than $100,000 for each offense. Each day during which such failure continues shall be deemed a separate offense.

(5) RECORDS.—

(A) IN GENERAL.—Every dealer, processor, commission merchant, and broker shall keep for a period of not less than 5 years such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) and fully and correctly disclose all transactions involved in the business of such person, including the true ownership of the business.

(B) FAILURE TO KEEP RECORDS OR ALLOW THE SECRETARY TO INSPECT RECORDS.—Failure to keep, or allow the Secretary to inspect records as required by this paragraph shall constitute an unfair practice in violation of subsection (a)(1).

(C) INSPECTION OF RECORDS.—The Secretary shall have the right to inspect such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) of any dealer, processor, commission merchant, and broker as may be material to the investigation of any alleged violation of this section or for the purpose of investigating the business conduct or practices of an organization with respect to such dealer, processor, commission merchant or broker.

(c) COMPENSATION FOR INJURY.—

(1) ESTABLISHMENT OF THE FAMILY FARMER AND RANCHER CLAIMS COMMISSION.—

(A) IN GENERAL.—The Secretary shall appoint 3 individuals to a commission to be known as the ''Family Farmer and Rancher Claims Commission'' (in this subsection referred to as the ''Commission'') to review claims of family farmers and ranchers who have suffered financial damages as a result of any violation of this section as determined by the Secretary pursuant to subsection (b)(3).

(B) TERM OF SERVICE.—The member of the Commission shall serve 3-year terms which may be renewed. The initial members of the Commission may be appointed for a period of less than 3 years, as determined by the Secretary.

(2) REVIEW OF CLAIMS.—

(A) SUBMISSION OF CLAIMS.—Family farmers and ranchers damaged as a result of a violation of this section as determined by the Secretary, pursuant to subsection (c)(3) may preserve the right to claim financial damages under this section by filing a claim pursuant to regulations promulgated by the Secretary.

(B) DETERMINATION.—Based on a review of such claims, the Commission shall determine the amount of damages to be paid, if any, as a result of the violation.

(C) REVIEW.—The decisions of the Commission under this paragraph shall not be subject to judicial review except to determine that the amount of damages to be paid is consistent with the published regulations of the Secretary that establish the criteria for implementing this subsection.

(3) FUNDING.—

(A) IN GENERAL.—Funds collected from civil penalties pursuant to this section shall be transferred to a special fund in the Treasury, shall be made available to the Secretary without further appropriation, and shall remain available until expended to pay the expenses of the Commission and the claims described in this subsection.

(B) AUTHORIZATION OF APPROPRIATION.—In addition to the funds described in subparagraph (A), there are authorized to be appropriated such sums as may be necessary to carry out this section.

(4) NO PRECLUSION OF PRIVATE CLAIMS.—By filing an action under this subsection, a family farmer or rancher is not precluded from bringing a cause of action against a dealer, processor, commission, merchant, or broker in any court of appropriate jurisdiction.

(d) AUTHORITY OF THE SECRETARY.—Not later than 180 days after the date of enactment of this section, the Secretary and the Attorney General shall develop and implement a plan to enable, where appropriate, the Secretary to file civil actions, including temporary injunctions, to enforce orders issued by the Secretary under this Act.

SEC. 5. REPORTS OF THE SECRETARY ON POTENTIAL UNFAIR PRACTICES.

(a) FILING PREMERGER NOTICES WITH THE SECRETARY.—No dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules promulgated by the Secretary if—

(1) any voting securities or assets of the dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities or other agricultural related business with annual net sales or total assets of $10,000,000 or more are being acquired by a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business which has total assets or annual net sales of $100,000,000 or more; and

(2) any voting securities or assets of a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business with annual net sales or total assets of $100,000,000 or more are being acquired by any dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or agriculture related business with annual net sales or total assets of $10,000,000 or more and as a result of such acquisition, if the acquiring person would hold—

(A) 15 percent or more of the voting securities or assets of the acquired person; or

(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(b) REVIEW OF THE SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may conduct a review of any merger or acquisition described in subsection (a).

(2) EXCEPTION.—The Secretary shall conduct a review of any merger or acquisition described in subsection (a) upon a request from a member of Congress.

(c) ACCESS TO RECORDS.—The Secretary may request any information including any testimony, documentary material, or related information from a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business, pertaining to any merger or acquisition of any agriculture related business.

(d) PURPOSE OF REVIEW.—

(1) FINDINGS.—The review described in subsection (a) shall make findings whether the merger or acquisition could—

(A) be significantly detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition, pursuant to standards established by the Secretary; or

(B) lead to a violation of section 4(a) of this Act.

(2) REMEDIES.—The review may include a determination of possible remedies regarding how the parties of the merger or acquisition may take steps to modify their operations to address the findings described in paragraph (1).

(e) REPORT OF REVIEW.—

(1) PRELIMINARY REPORT.—After conducting the review described in this section, the Secretary shall issue a preliminary report to the parties of the merger or acquisition and the Attorney General or the Federal Trade Commission, as appropriate, which shall include findings and any remedies described in subsection (d)(2).

(2) FINAL REPORT.—After affording the parties described in paragraph (1) an opportunity for a hearing regarding the findings and any proposed remedies in the preliminary report, the Secretary shall issue a final report to the President and Attorney General or the Federal Trade Commission, as appropriate, with respect to the merger or acquisition.

(f) IMPLEMENTATION OF THE REPORT.—Not later than 120 days after the issuance of a final report described in subsection (e), the parties of the merger or acquisition affected by such report shall make changes to their operations or structure to comply with the findings and implement any suggested remedy or any agreed upon alternative remedy and shall file a response demonstrating such compliance or implementation.

(g) CONFIDENTIALITY OF INFORMATION.—Information used by the Secretary to conduct the review pursuant to this section provided by a party of the merger or acquisition under review or by a government agency shall be treated by the Secretary as confidential information pursuant to section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276), except that the Secretary may share any information with the Attorney General, the Federal Trade Commission, and a party seeking a hearing pursuant to subsection (e)(2) with respect to information relating to such party. The report issued under subsection (e) shall be available to the public consistent with the confidentiality provisions of this subsection.

(h) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $300,000 for the failure of a person to comply with the requirements of subsections (a) and (f). Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of subsections (a) and (f), the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the additional civil penalty assessed under this paragraph.

SEC. 6. PLAIN LANGUAGE AND DISCLOSURE REQUIREMENTS FOR CONTRACTS.

(a) IN GENERAL.—Any contract between a family farmer or rancher and a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall—

(1) be written in a clear and coherent manner using words with common and everyday meanings and shall be appropriately divided and captioned by various sections;

(2) disclose in a manner consistent with paragraph (1)—

(A) contract duration;

(B) contract termination;

(C) renegotiation standards;

(D) responsibility for environmental damage;

(E) factors to be used in determining performance payments;

(F) which parties shall be responsible for obtaining and complying with necessary local, State, and Federal government permits; and

(G) any other contract terms the Secretary determines is appropriate for disclosure; and

(3) not contain a confidentiality requirement barring a party of a contract from sharing terms of such contract (excluding trade secrets as applied in the Freedom of Information Act (5 U.S.C. 552 et seq.)) for the purposes of obtaining legal or financial advice or for the purpose of responding to a request from Federal or State agencies.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1), a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the amount of the additional civil penalty assessed under this paragraph.

(c) IMPLEMENTATION.—The requirements imposed by this section shall be applicable to contracts entered into or renewed 60 days or subsequently after the date of enactment of this Act.

SEC. 7. REPORT ON CORPORATE STRUCTURE.

(a) IN GENERAL.—A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary, a report which describes, with respect to both domestic and foreign activities; the strategic alliances; ownership in other agribusiness firms or agribusiness-related firms; joint ventures; subsidiaries; brand names; and interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor, commission merchant, or broker, as determined by the Secretary. This subsection shall not be construed to apply to contracts.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such a hearing shall be limited to the issue of the amount of the civil penalty

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the amount of the additional civil penalty assessed under this paragraph.

SEC. 8. MANDATORY FUNDING FOR STAFF.

Out of the funds in the Treasury not otherwise appropriated, the Secretary of Treasury shall provide to the Secretary of Agriculture $7,000,000 in each of fiscal years 2002 through 2006, to hire, train, and provide for additional staff to carry out additional responsibilities under this Act, including a Special Counsel on Fair Market and Rural Opportunity, additional attorneys for the Office of General Counsel, investigators, economists, and support staff. Such sums shall be made available to the Secretary without further appropriation and shall be in addition to funds already made available to the Secretary for the purposes of this section.

SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.

The Comptroller General of the United States, in consultation with the Attorney General, the Secretary, the Federal Trade Commission, the National Association of Attorney's General, and others, shall—

(1) study competition in the domestic farm economy with a special focus on protecting family farms and ranches and rural communities and the potential for monopsonistic and oligopsonistic effects nationally and regionally; and

(2) provide a report to the appropriate committees of Congress not later than 1 year after the date of enactment of this Act on—

(A) the correlation between increases in the gap between retail consumer food prices and the prices paid to farmers and ranchers and any increases in concentration among processors, manufacturers, or other firms that buy from farmers and ranchers;

(B) the extent to which the use of formula pricing, marketing agreements, forward contracting, and production contracts tend to give processors, agribusinesses, and other buyers of agricultural commodities unreasonable market power over their producer/suppliers in the local markets;

(C) whether the granting of process patents relating to biotechnology research affecting agriculture during the past 20 years has tended to overly restrict related biotechnology research or has tended to overly limit competition in the biotechnology industries that affect agriculture in a manner that is contrary to the public interest, or could do either in the future;

(D) whether acquisitions of companies that own biotechnology patents and seed patents by multinational companies have the potential for reducing competition in the United States and unduly increasing the market power of such multinational companies;

(E) whether existing processors or agribusiness have disproportionate market power and if competition could be increased if such processors or agribusiness were required to divest assets to assure that they do not exert this disproportionate market power over local markets;

(F) the extent of increase in concentration in milk processing, procurement and handling, and the potential risks to the economic well-being of dairy farmers, and to the National School Lunch program, and other Federal nutrition programs of that increase in concentration;

(G) the impact of mergers, acquisitions, and joint ventures among dairy cooperatives on dairy farmers, including impacts on both members and nonmembers of the merging cooperatives;

(H) the impact of the significant increase in the use of stock as the primary means of effectuating mergers and acquisitions by large companies;

(I) the increase in the number and size of mergers or acquisitions in the United States and whether some of such mergers or acquisitions would have taken place if the merger or acquisition had to be consummated primarily with cash, other assets, or borrowing; and

(J) whether agricultural producers typically appear to derive any benefits (such as higher prices for their products or any other advantages) from right-of-first-refusal provisions contained in purchase contracts or other deals with agribusiness purchasers of such products.

SEC. 10. AUTHORITY TO PROMULGATE REGULATIONS.

The Secretary of Agriculture shall have the authority to promulgate regulations to carry out the responsibilities of the Secretary under this Act.

By Mr. MCCAIN:

S. 2412. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

• Mr. MCCAIN. Mr. President, today I am introducing the National Transportation Safety Board Amendments Act of 2000. This bill proposes to reauthorize the National Transportation Safety Board (NTSB) through fiscal year 2003.

The NTSB is an independent agency charged with determining the probable cause of transportation accidents and promoting transportation safety. Among its many duties, the Board investigates accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents. In my view, the NTSB is one of our nation's most critical governmental agencies and I want to commend its excellent work.

Since its inception in 1967, the NTSB has investigated more than 110,000 aviation accidents, at least 10,000 other accidents in the surface modes and issued more than 11,000 safety recommendations. The Board's commitment to accident investigation and the development of safety recommendations to prevent accidents from recurring is indeed admirable. The NTSB staff works tirelessly, and in many cases, under the least desirable circumstances.

The NTSB's authorization expired last September. The Board has submitted a reauthorization proposal and the Senate Committee on Commerce, Science, and Transportation held a hearing last year to review the Board's request. The reauthorization legislation I am introducing is intended to provide the Board with the resources necessary to carry out its important safety investigatory duties and provide further assistance to the Board in its efforts to fulfill its mission.

The legislation would authorize the Board for Fiscal years 2000–2003. As the Board requested, the bill would provide significant funding increases over the level currently authorized. The Chairman of the Board has testified that these funds are necessary in order to insure that the NTSB continues to make timely and accurate determinations of the probable causes of accidents, formulate realistic and feasible safety recommendations, and respond to the families of victims of transportation disasters in a professional and compassionate manner following those tragedies. The legislation also would raise the Board's emergency fund to the level commensurate to that which has been appropriated in recent years.

The bill includes language requested by the Safety Board to require the withholding from public disclosure of voice and video recorder information for all modes of transportation comparable to the protections already statutorily provided for cockpit voice recorders (CVRs). This provision would be an important step in ensuring that railroad, maritime, and motor vehicle recorders are properly protected from unwarranted disclosure or alternative use.

The bill provides the Board with authority to establish reasonable rates of overtime pay for its employees directly involved in accident-related work both on-scene and investigative. This authority was requested in acknowledgment of the extensive time spent by NTSB staff in carrying out their duties and the Board's inability under current law to more fairly compensate these employees. I want to remind my colleagues that the Federal Aviation Administration and the Coast Guard already have been provided authority by Congress to administer similar personnel payment matters.

The Board's budget has dramatically increased over the years and this measure includes a number of financial accountability provisions. Currently, the NTSB is one of the few agencies of the Federal Government not required to have a Chief Financial Office (CFO). While the Board on its own initiative does have a CFO, this bill would make that position permanent. The legislation also statutorily authorizes the Chairman to establish annual travel budgets to govern Board Member non-accident travel. After concerns were raised last year over excessive Board Member travel by myself and others, the Chairman established annual budgets and procedures governing non-accident-related travel. His actions were an important step in addressing fiscal accountability at the Board and I believe they should be continued in the future. Further, the bill would give the Inspector General of the Department of Transportation the authority to review the financial management and business operations of the Board to determine compliance with applicable Federal laws, rules, and regulations.

I have only taken time today to highlight a few sections of the bill. But I assure my colleagues that there are other provisions in the legislation designed to give the Safety Board the necessary tools to continue to fulfill its critical safety mission.

Mr. President. I urge my colleagues' support of this measure and look forward to bringing it to the full Senate for consideration in the near future.●

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. THURMOND, Mr. BINGAMAN, Mr. JEFFORDS, Mr. SARBANES, Mr. COVERDELL, Mr. ROBB, Mr. SCHUMER, Mr. REED, and Mr. REID):

S. 2413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; to the Committee on the Judiciary.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

● Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Grant Act of 2000, a bill to expand an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for the use by law enforcement officers. This bill represents another in a series of law enforcement legislative initiatives on which I have had the privilege to work with my friend and colleague from Vermont, Senator LEAHY. The Senator brings to the table invaluable experience in this area, from his distinguished service as a State's attorney in Vermont, a nationally recognized prosecutor, and as the ranking member of the Senate Judiciary Committee. We are pleased to be joined in this effort by the distinguished chairman of the Senate Judiciary Committee, Senator HATCH, and Senators THURMOND, BINGAMAN, JEFFORDS, SARBANES, COVERDELL, ROBB, SCHUMER, REED, and REID.

Two years ago, Congress passed and the President signed into law the Bulletproof Vest Partnership Grant Act of 1998 (P.L. 105–181), which we were privileged to introduce. This highly successful Department of Justice grant program has already funded 92,000 new bulletproof vests for police officers across the country.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Grant Act of 2000 would continue the partnership with state and local law enforcement agencies to make sure that every police officer who needs a bulletproof vest gets one. It would do so by authorizing up to $50 million per year for the grant program within the U.S. Department of Justice. In addition, the program would provide 50–50 matching grants to state and local law enforcement agencies and Indian tribes with under 100,000 residents to assist in purchasing bulletproof vests and body armor. Finally, this bill will make the purchase of stabproof vests eligible for grant awards.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. The United States Senate can help, and I urge our colleagues to support prompt passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2413

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 ''Bulletproof Vest Partnership Grant Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—The portion'';

(2) by striking ''subsection (a)'' and all that follows through the period at the end of the first sentence and inserting ''subsection (a)—

''(A) may not exceed 50 percent; and

''(B) shall equal 50 percent, if—

''(i) such grant is to a unit of local government with fewer than 100,000 residents;

''(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

''(iii) such portion does not cause such grant to violate the requirements of subsection (e).''; and

(3) by striking ''Any funds'' and inserting the following:

''(2) INDIAN ASSISTANCE.—Any funds''.

(b) ALLOCATION OF FUNDS.—Section 2501(g) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(g)) is amended to read as follows:

''(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.''.

(c) APPLICATIONS.—Section 2502 of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–1) is amended by adding at the end the following:

''(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

''(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

''(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.''.

(d) DEFINITION OF ARMOR VEST.—Section 2503(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–2(1)) is amended—

(1) by striking ''means body armor'' and inserting the following: ''means—

''(A) body armor'';

(2) by adding ''or'' at the end; and

(3) by adding at the end the following:

''(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of title I of the Omnibus

Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by inserting before the period at the end the following: '', and $50,000,000 for each of fiscal years 2002 through 2004''.●

Mr. LEAHY. Mr. President, I am proud to join the Senior Senator from Colorado in introducing the Bulletproof Vest Partnership Grant Act of 2000. We worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. I am pleased that Senator HATCH is again an original cosponsor of this bill. I am also pleased that Senators SCHUMER, REID of Nevada, SARBANES, ROBB, BINGAMAN, THURMOND, COVERDELL, and REED of Rhode Island are joining us as original cosponsors.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998 (public law 105–181). The law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999–2001.

In its first year of operation, the Bulletproof Vest Partnership Grant Program funded 92,000 new bulletproof vests for our Nation's police officers, including 361 vests for Vermont police officers. Applications are now available at the program's web site at http://vests.ojp.gov/ for this year's funds. The entire process of submitting applications and obtaining federal funds is completed through this web site.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers and sheriffs who face violent criminals in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential that we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

In the last Congress, we created the Bulletproof Vest Partnership Grant Program in part in response to the tragic Drega incident along the Vermont and New Hampshire border. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. This madman had just shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega lost his life.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, who was seriously wounded in the incident. If it was not for his bulletproof vest, I would have been attending Officer Pfeifer's wake instead of visiting him, and meeting his wife and young daughter in the hospital a few days later. I am relieved that Officer John Pfeifer is doing well and is back on duty today.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons used by this madman. We all grieve for the two New Hampshire officers who were killed. Their tragedy underscore the point that all of our law enforcement officers, whether federal, state or local, deserve the protection of a bulletproof vest. With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Grant Act of 2000 will provide state and local law enforcement agencies with more of the assistance they need to protect their officers. Our bipartisan legislation enjoys the endorsement of many law enforcement organizations, including the Fraternal Order of Police and the National Sheriffs' Association. In my home State of Vermont, the bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be ''routine.'' Each and every law enforcement officer across the Nation deserves the protection of a bulletproof vest.

I look forward to working with my colleagues to ensure that each and every law enforcement agency in Vermont and across the Nation can afford basic protection for their officers.

By Mr. WELLSTONE:

S. 2414. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise to introduce a bill today. I would like to thank my colleague, Senator BROWNBACK, for his superb work. It is called the Trafficking Victims Protection Act of 2000. Basically, this is legislation I am doing together with Senator BROWNBACK. We are very hopeful we will have strong support in the Senate Foreign Relations Committee, starting with the chairman.

The long and the short of it, colleagues, is, though, it is hard to believe, in the year 2000, there are maybe 50,000 women and children trafficked to our country, maybe as many as 2 million worldwide.

It is a dark, dark feature of this new world economy, where women and children are basically responding to ads, going to other countries, believing they will find employment; and they are forced into prostitution, they are forced into labor, and the conditions are absolutely atrocious.

It is unbelievable what has happened to these women and children. Therefore, we put an emphasis on, No. 1, prevention, to make sure that through AID we get information out to people in other countries, so women and children are not entrapped in this way.

No. 2, we want to make sure there are alternatives, such as good microloan programs, like NGOs for women.

No. 3, we put an emphasis on how we can provide some protection, which has to do with making sure if women step forward they are not automatically deported. There would be an extension of their visa so they would be able to speak out without worrying about being deported from our country. We would make sure there is treatment for women who have gone through this living hell.

Finally, there would be prosecution. Making it crystal clear to those who are engaged in trafficking, you are going to be hit with stiff financial penalties.

Senator FEINSTEIN, who is on the floor, has been a strong supporter of trying to do something about this, and to make sure that if you are going to traffic a child under the age of 14 for forced prostitution, you are going to serve a life sentence in prison.

We are going to call on the international community to take this seriously. I believe there will be strong support in the Senate. It would be a powerful and important human rights piece of legislation.

I am proud to introduce this legislation today. I think we can move it in committee. I think we can have strong bipartisan support. I thank Senator BROWNBACK, Senator FEINSTEIN, Senator BOXER, and others for their interest.

Mr. President, I am here today to introduce legislation to help end the horrific crime of trafficking in persons, particularly women and children, for the purposes of sexual exploitation and forced labor. This egregious human rights violation—and we must acknowledge trafficking in persons as the gross human rights abuse that it is—is a worldwide problem that must be confronted in domestic legislation as we continue to fight it on the international front.

At this very moment the administration is involved in negotiations in Vienna to strengthen international efforts to combat trafficking. We too must do our part. We need to enact a comprehensive trafficking bill into law in this Congress. Senator BROWNBACK and I have worked together closely to develop the Trafficking Victims Protection Act of 2000, and we agree on every provision of the bill except for one. We are here together today to introduce separate trafficking bills but to relay to you the truly bipartisan effort this has been. Senator BROWNBACK, I look forward to continuing this effort as our respective bills move through the committee and to the floor.

Despite increasing governmental and international interest, trafficking in persons continues to be one of the darkest aspects of globalization of the world economy, becoming more insidious and more widespread everyday. It is not just a problem that takes place on distant shores, as many of us have been led to believe. A recent CIA analysis of the international trafficking of women to the United States reports that as many as 50,000 women and children each year are brought into the United States and forced to work as prostitutes, forced laborers, and servants. Others credibly estimate that the number is probably much higher than that.

In a hearing last week, I heard the almost unbelievable testimony of several women who had been victims of trafficking. But, I say almost unbelievable because I heard the truth directly from the mouths of those who have been hurt the most. One victim trafficked for sex from Mexico to Florida at the age of 14 told,

> Because I was a virgin, the men decided to initiate me by raping me again and again, to teach me how to have sex * * * Because I was so young, I was always in demand with the customers. It was awful. Although the men were supposed to wear condoms, some didn't so I eventually became pregnant and was forced to have an abortion.

I am here today to say that one victim is one too many. We have a serious problem that must be addressed.

The Trafficking Victims Protection Act of 2000 is a comprehensive bill that addresses the three P's of trafficking: it aims to prevent trafficking in persons, provides protection and assistance to those who have been trafficked, and provides for tough prosecution and punishment of those responsible for trafficking.

This bill addresses the underlying problems which fuel the trafficking industry by promoting public awareness campaigns, and initiatives to enhance economic opportunity, such as microcredit lending programs and skills training, for those most susceptible to trafficking. It provides for the establishment of programs designed to assist in the safe reintegration of victims into their community, and ensures that such programs address the physical and mental health needs of trafficking victims. In fact, the trauma that results from being trafficked is not unlike that of someone who has been tortured, and victims of trafficking deserve similar assistance.

This bill also provides immigration relief and allows victims of trafficking the time necessary to bring charges against those responsible for their condition. In the United States, many trafficking victims are deported for not having the appropriate legal documents when, in fact, it is often the trafficker who has given the victim false documents, or held the victim's identifying documents so that he or she could not move freely. This bill addresses this unintended result of the law. This measure enhances our existing legal structures, criminalizing all forms of trafficking in persons and establishing punishment which is commensurate with the heinous nature of this crime. It provides for sentences of up to life in prison for those criminals involved in trafficking children.

Those criminals who are involved in trafficking, from the lowest to the highest levels, should not expect to go unpunished in the United States or abroad, and neither should governments whose governments might be complicit in trafficking. This bill requires an expansion of reporting on trafficking in the annual Country Reports on Human Rights Practices, including a separate list of countries of origin, transit or destination for a significant number of trafficking victims which are not meeting minimum standards for the elimination of trafficking. This bill provides for sanctions against counties which do not meet these minimum standards. It also authorizes the Secretary of State to publish a list of foreign persons involved in trafficking, and authorizes the President to take tough action against any person on that list.

A similar bill to our bills is moving through the House. Both that bill, H.R. 3244, and the bills that we are introducing today, are bipartisan efforts that deserve our full consideration. Senator BROWNBACK and I have worked hard to create a bill that is comprehensive and addresses both of our concerns, and both of us are equally committed to the fight against trafficking. We disagree, however, on a small but significant part of the strategy in this fight: the use of mandatory versus discretionary sanctions against countries which do not meet the minimum standards for elimination of trafficking.

While Senator BROWNBACK believes a system of mandatory sanctions will better facilitate our goal to eliminate trafficking, after much research into the effect of a mandatory sanctions requirement, I believe a discretionary sanctions approach, allowing for a more targeted use of sanctions, together with a requirement for the delivery to Congress of a separate list of countries involved in trafficking, is the better approach.

Trafficking exploits poor women and booms in societies undergoing severe economic distress. To impose economic sanctions in trafficking legislation that cuts off a broad range of bilateral and multilateral assistance programs designed to improve the economy of specific nations is to cause harm to the very people who might be helped by the legislation.

For example, I don't believe we can justify cutting off funding designed to foster economic reform so that those most susceptible to trafficking such as women and children, can find work; or cutting off funding for programs that increase professionalism and independence in the judicial system so that traffickers can be held accountable; or even cutting off programs designed to provide training and technical assistance to countries which are generally making an effort to combat trafficking. This is what could happen to certain countries which are known to have a severe trafficking problem, under a mandatory sanctions regime. I don't believe we justify cutting off child survival and disease programs which counter the spread of HIV and AIDS, a significant problem among women trafficked into the sex industry, to countries in which sex trafficking is a large problem such as the Philippines and Bangladesh. These are just a couple of examples of the problems created by a sanctions regime that is too broad. A more targeted, discretionary sanctions approach to sanctions is, I think, clearly the way to go.

By requiring a list of countries involved in trafficking who do not meet minimum standards for the elimination of it, we can closely monitor the progress of countries in their fight against trafficking. Trafficking in persons is a complicated issue that almost always involves larger criminal elements. Those countries which are truly committed to ending this gross human rights abuse, and are cooperating in the global battle against it, should not fear the list since they will not be put on it. Those countries which are not doing their share should expect that the President of the United States will use his discretion to impose targeted sanctions, and I for one will do all I can to see that our government imposes appropriate sanctions against those governments whose officials are complicit in this terrible crime.

Sanctions can be an important deterrent. However, in my opinion broad mandatory sanctions within the context of trafficking are not useful. A discretionary sanctions regime that allows the President—who is, in fact, better positioned to understand the varying dynamics and extent of the trafficking problem from country to country—to impose specific, targeted, and workable sanctions against trafficking countries is a more sound approach.

I hope my colleagues will take a look at both of these trafficking bills and cosponsor one or the other as they move forward. These bills are identical except for the sanctions provision, and both provide the same broad and comprehensive assistance to trafficking victims and to countries working to combat trafficking.

Since my wife and I began working on this issue several years ago, I have met with trafficking victims, aftercare providers, and human rights advocates from around the world who have reminded me again and again of the horrible nature of this crime. We must intensify our work to eliminate trafficking in persons. We must focus our energy on this bipartisan effort to see the Trafficking Victims Protection Act of 2000 move quickly through the Senate Foreign Relations Committee and get passed into law this year. The many victims of trafficking deserve no less.

By Mr. SARBANES (for himself, Mr. DODD, Mr. SCHUMER, and Mr. KERRY):

S. 2415. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000

Mr. SARBANES. Mr. President, today I am introducing the Predatory Lending Consumer Protection Act with Senators DODD, KERRY, and SCHUMER. This legislation is a companion to an identical bill being introduced by Representative LAFALCE in the House of Representatives, along with a number of his colleagues.

Representative LAFALCE has demonstrated his strong commitment to a banking system that takes into consideration the credit needs of all Americans, including those that have been traditionally locked out of the market or are less sophisticated. I thank him for his leadership.

Homeownership is the American Dream. It is the opportunity for all Americans to put down roots and start creating equity for themselves and their families. Homeownership has been the path to building wealth for generations of Americans; it has been the key to ensuring stable communities, good schools, and safe streets.

The predatory lending industry plays on these hopes and dreams to cheat people of their hard-earned wealth. These lenders target working and lower income families, the elderly, and, often, uneducated homeowners for their abusive practices. To my mind, nothing can be more cynical.

Let me briefly describe how predatory lenders operate. They target people with a lot of equity in their homes; they underwrite the property without regard to the ability of the borrower to pay the loan back. They make their money by charging extremely high origination fees, and by ''packing'' other products into the loan, including upfront premiums for credit life insurance, or credit unemployment insurance, and others, for which they get significant commissions but are of no value to the homeowner.

The premiums for these products get financed into the loan, greatly increasing the loan's total balance amount, sometimes by as much as 50 percent. As a result, the borrower is likely to find himself in extreme financial distress.

Then, when the trouble hits, the predatory lender will offer to refinance the loan. Unfortunately, another characteristic of these loans is that they have prepayment penalties. So, by the time the refinancing occurs, with all the fees repeated and the prepayment penalty included, the lender/broker makes a lot of money from the transaction, and the owner has been stripped of his or her equity and, oftentimes, his or her home.

The problem is, most of these practices, while unethical and clearly abusive, are legal. There is a widening sense that this is a serious problem. Alan Greenspan at the Federal Reserve Board has recognized this as an increasing problem, as have the other banking regulators. For example, the FDIC is considering raising capital standards for all subprime lending; the Office of Thrift Supervision (OTS) has published an Advanced Notice of Proposed Rulemaking (ANPR) asking for information and views on these very practices; HUD Secretary Cuomo and Treasury Secretary Summers have convened a Task Force on this issue. Both Fannie Mae and Freddie Mac have developed a number of products that are intended to reach out to homeowners with somewhat impaired credit in order to bring them into the financial mainstream. These companies have also announced that they will not buy loans with single premium credit insurance financed into the loan, one of the problems highlighted by this legislation.

Clearly, there is already some action to address the problem of predatory lending. But we need to do more. This legislation will outlaw the most abusive practices, and enable the marketplace to eliminate the others. This is a very important point. Let me give you an example. The bill prohibits the financing of more than 3% of a loan in fees for high cost loans, because it is the financing of fees and premiums on extraneous products that literally strip the equity out of a person's home. However, the bill would not prohibit additional fees from being charged, so we are not regulating profit.

We want to make sure that the loan is affordable to the borrower. Tying the lender's return to the loan's successful repayment is the best way to assure this. Now, some people have raised concerns that limiting the financing of fees will push up interest rates. This may be true, but it is also better to see the return to the lender reflected in the interest rate because it is much easier for people to shop on the basis of the interest rate. As a result, the market will help to keep rates down. Moreover, higher rate mortgages can always be refinanced as borrower's credit standing improves.

Mr. President, this legislation has the support of the Leadership Conference on Civil Rights, the American Association of Retired People, the National Consumer Law Center, the Self-Help Credit Union of North Carolina, Consumers Union, Consumers Federation, ACORN, the National Association of Consumer Advocates, U.S. PIRG and others.

I want to make clear that this bill is aimed at predatory practices. There are many people who may have had some credit problems who still need access to affordable credit. They may only be able to get subprime loans, which charge higher interest rates. Clearly, to get the credit, they will have to pay somewhat higher rates because of the greater risk they represent. We want them to be able to get these loans.

But these families should not be stripped of their home equity through financing of extremely high fees, credit insurance, or prepayment penalties. They should not be forced into constant refinancing, losing more and more of the wealth they've taken a lifetime to build to a new set of fees each and every time.

This legislation will keep credit available, while discouraging or prohibiting these worst practices. The bill allows lenders to recover the costs of making their loans, while always leaving the door open to borrowers to repair their credit and move to lower cost loans.

Taken as a whole, predatory lending practices represent a frontal assault on homeowners all over America. Today, we are coming to their defense. We must stop the American dream of homeownership from being distorted into a nightmare by these unscrupulous practices. We want to ensure that all borrowers, whether in the prime or subprime market, are treated fairly and responsibly. That is what this legislation is intended to do, and I urge my colleagues' consideration and support.

Mr. President, I ask unanimous consent that the bill and a summary of the legislation be printed in the RECORD.

S. 2415

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 ''Predatory Lending Consumer Protection Act of 2000''.

SEC. 2. AMENDMENTS TO DEFINITIONS IN TRUTH IN LENDING ACT.

(a) HIGH COST MORTGAGES.—

(1) IN GENERAL.—The portion of section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) that precedes paragraph (2) of such section is amended to read as follows:

''(aa) MORTGAGE REFERRED TO IN THIS SUBSECTION.—

''(1) DEFINITION.—

''(A) IN GENERAL.—A mortgage referred to in this subsection means a consumer credit transaction—

''(i) that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction; and

''(ii) the terms of which are described in at least 1 of the following subclauses:

''(I) The transaction is secured by a first mortgage on the consumer's principal dwelling and the annual percentage rate on the credit, at the consummation of the transaction, will exceed by more than 6 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor;

''(II) The transaction is secured by a junior or subordinate mortgage on the consumer's principal dwelling and the annual percentage rate on the credit, at the consummation of the transaction, will exceed by more than 8 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor.

''(III) The total points and fees payable on the transaction will exceed the greater of 5 percent of the total loan amount or $1,000.

''(B) INTRODUCTORY RATES NOT TAKEN INTO ACCOUNT.—If the terms of any consumer credit transaction that is secured by the consumer's principal dwelling offer, for any initial or introductory period, an annual percentage rate of interest which—

''(i) is less than the annual percentage rate of interest which will apply after the end of such initial or introductory period; or

''(ii) in the case of an annual percentage rate which varies in accordance with an index, which is less than the current annual percentage rate under the index which will apply after the end of such period,

the annual percentage rate of interest that shall be taken into account for purposes of subclauses (I) and (II) of subparagraph (A)(ii) shall be the rate described in clause (i) or (ii) of this subparagraph rather than any rate in effect during the initial or introductory period.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) POINTS AND FEES.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) all compensation paid directly or indirectly by a consumer or a creditor to a mortgage broker;'';

(2) by redesignating subparagraph (D) as subparagraph (F); and

(3) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) each of the charges listed in section 106(e) (except an escrow for future payment of taxes and insurance);

''(D) the cost of all premiums financed by the lender, directly or indirectly, for any credit life, credit disability, credit unemployment or credit property insurance, or any other life or health insurance, or any payments financed by the lender, directly or indirectly, for any debt cancellation or suspension agreement or contract, except that, for purposes of this subparagraph, insurance premiums or debt cancellation or suspension fees calculated and paid on a monthly basis shall not be considered financed by the lender;

''(E) any prepayment penalty (as defined in section 129(c)(5)) or other fee paid by the consumer in connection with an existing loan which is being refinanced with the proceeds of the consumer credit transaction; and''.

(c) HIGH COST MORTGAGE LENDER.—

(1) IN GENERAL.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by striking the last sentence and inserting ''Any person who originates 2 or more mortgages referred to in subsection (aa) in any 12-month period, any person who originates 1 or more such mortgages through a mortgage broker or acted as a mortgage broker between originators and consumers on more than 5 mortgages referred to in subsection (aa) within the preceding 12-month period, and any creditor-affiliated party shall be considered to be a creditor for purposes of this title.''.

(2) CREDITOR-AFFILIATED PARTY DEFINED.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

''(cc) CREDITOR-AFFILIATED PARTY.—The term ''creditor-affiliated party'' means—

(1) any director, officer, employee, or controlling stockholder of, or agent for, a creditor;

(2) in the case of a creditor which is an insured depository institution, any other person who has filed or is required to file a change-in-control notice with the appropriate Federal banking agency under section 7(j) of the Federal Deposit Insurance Act; and

(3) any shareholder, consultant, joint venture partner, and any other person, including any independent contractor (such as an attorney, appraiser, or accountant), who participates in the conduct of the affairs of, or controls the lending practices of, a creditor, as determined (by regulation or on a case-by-case) by the appropriate Federal agency under subsection (a) or (c) of section 108 with respect to the creditor.''.

SEC. 3. AMENDMENTS TO EXISTING REQUIREMENTS FOR HIGH COST CONSUMER MORTGAGES.

(a) ADDITIONAL DISCLOSURES.—Section 129(a)(1) of the Truth in Lending Act (15 U.S.C. 1639(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) 'The interest rate on this loan is much higher than most people pay. This means the chance that you will lose your home is much higher if you do not make all payments under the loan.'.

''(E) 'You may be able to get a loan with a much lower interest rate. Before you sign any papers, you have the right to go see a credit and debt counseling service and to consult other lenders to find ways to get a cheaper loan.'.

''(F) 'If you are taking out this loan to repay other loans, look to see how many months it will take to pay for this loan and what the total amount is that you will have to pay before this loan is repaid. Even though the total amount you will have to pay each month for this loan may be less than the total amount you are paying each month for those other loans, you may have to pay on this loan for many more months than those other loans which will cost you more money in the end.' ''.

(b) PREPAYMENT PENALTY PROVISIONS.—Section 129(c) of the Truth in Lending Act (15 U.S.C. 1639(c)) is amended to read as follows:

''(c) PREPAYMENT PENALTY PROVISIONS.—

''(1) NO PREPAYMENT PENALTIES AFTER END OF 24-MONTH PERIOD.—A mortgage referred to in section 103(aa) may not contain terms under which a consumer must pay any prepayment penalty for any payment made after the end of the 24-month period beginning on the date the mortgage is consummated.

''(2) NO PREPAYMENT PENALTIES IF MORE THAN 3 PERCENT OF POINTS AND FEES WERE FINANCED.—Subject to subsection (l)(1), a mortgage referred to in section 103(aa) may not contain terms under which a consumer must pay any prepayment penalty for any payment made at or before the end of the 24-month period referred to in paragraph (1) if the creditor financed points or fees in connection with the consumer credit transaction in an amount equal to or greater than 3 percent of the total amount of credit extended in the transaction.

''(3) LIMITED PREPAYMENT PENALTY FOR EARLY REPAYMENT UNDER CERTAIN CIRCUMSTANCES.—Subject to paragraph (2), the terms of a mortgage referred to in section 103(aa) may contain terms under which a consumer must pay a prepayment penalty for any payment made at or before the end of the 24-month period referred to in paragraph (1) to the extent the sum of total amount of points or fees financed by the creditor, if any, in connection with the consumer credit transaction and the total amount payable as a prepayment penalty does not exceed the amount which is equal to 3 percent of the total amount of credit extended in the transaction.

''(4) CONSTRUCTION.—For purposes of this subsection, any method of computing a refund of unearned scheduled interest is a prepayment penalty if it is less favorable to the consumer than the actuarial method (as that term is defined in section 933(d) of the Housing and Community Development Act of 1992).

''(5) PREPAYMENT PENALTY DEFINED.—The term 'prepayment penalty' means any monetary penalty imposed on a consumer for paying all or part of the principal with respect to a consumer credit transaction before the date on which the principal is due.''.

(c) ALL BALLOON PAYMENTS PROHIBITED.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended by striking ''having a term of less than 5 years''.

(d) ASSESSMENT OF ABILITY TO REPAY.—Section 129(h) of the Truth in Lending Act (15 U.S.C. 1639(h)) is amended—

(1) by striking ''CONSUMER.—A creditor'' and inserting ''CONSUMER.—

''(1) PROHIBITION ON PATTERNS AND PRACTICES.—A creditor''; and

(2) by adding at the end the following new paragraphs:

''(2) CASE-BY-CASE ASSESSMENTS OF CONSUMER ABILITY TO PAY REQUIRED.—

''(A) IN GENERAL.—In addition to the prohibition in paragraph (1) on engaging in certain patterns and practices, a creditor may not extend any credit in connection with any mortgage referred to in section 103(aa) unless the creditor has determined, at the time such credit is extended, that 1 or more of the resident obligors, when considered individually and collectively, will be able to make the scheduled payments under the terms of the transaction based on a consideration of their current and expected income, current obligations, employment status, and other financial resources, without taking into account any equity of any such obligor in the dwelling which is the security for the credit.

''(B) REGULATIONS.—The Board shall prescribe, by regulation the appropriate format for determining a consumer's ability to pay and the criteria to be considered in making any such determination.

''(C) RESIDENT OBLIGOR.—For purposes of this paragraph, the term 'resident obligor' means an obligor for whom the dwelling securing the extension of credit is, or upon the consummation of the transaction will be, the principal residence.

''(3) VERIFICATION.—The requirements of paragraphs (1) and (2) shall not be deemed to have been met unless any information relied upon by the creditor for purposes of any such paragraph has been verified by the creditor independently of information provided by any resident obligor.''.

(e) REQUIREMENTS RELATING TO HOME IMPROVEMENT CONTRACTS.—Section 129(i) of the Truth in Lending Act (15 U.S.C. 1639(i)) is amended—

(1) by striking ''IMPROVEMENT CONTRACTS.—A creditor'' and inserting ''IMPROVEMENT CONTRACTS.—

''(1) IN GENERAL.—A creditor''; and

(2) by adding at the end the following new paragraph:

''(2) AFFIRMATIVE CLAIMS AND DEFENSES.—Notwithstanding any other provision of law, any assignee or holder, in any capacity, of a mortgage referred to in section 103(aa) which was made, arranged, or assigned by a person financing home improvements to the dwelling of a consumer shall be subject to all affirmative claims and defenses which the consumer may have against the seller, home improvement contractor, broker, or creditor with respect to such mortgage or home improvements.''.

(f) CLARIFICATION OF RESCISSION RIGHTS.—Section 129(j) of the Truth in Lending Act (15 U.S.C. 1639(j)) is amended to read as follows:

''(j) CONSEQUENCE OF FAILURE TO COMPLY.—

''(1) IN GENERAL.—If, in the case of a mortgage referred to in section 103(aa)—

''(A) the mortgage contains a provision prohibited by this section or does not contain a provision required by this section; or

''(B) a creditor or other person fails to comply with the provisions of this section, whether by an act or omission, with regard to such mortgage at any time,

the consummation of the consumer credit transaction resulting in such mortgage shall be treated as a failure to deliver the material disclosures required under this title for the purpose of section 125.

''(2) RULE OF APPLICATION.—In any application of section 125 to a mortgage described in section 103(aa) under circumstances described in paragraph (1), paragraphs (2) and (4) of section 125(e) shall not apply or be taken into account.''.

SEC. 4. ADDITIONAL REQUIREMENTS FOR HIGH COST CONSUMER MORTGAGES.

(a) SINGLE PREMIUM CREDIT INSURANCE.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by redesignating subsections (k) and (l) as subsections (s) and (t), respectively; and

(2) by inserting after subsection (j), the following new subsection:

''(k) SINGLE PREMIUM CREDIT INSURANCE.—

''(1) IN GENERAL.—The terms of a mortgage referred to in section 103(aa) may not require, and no creditor or other person may require or allow—

''(A) the advance collection of a premium, on a single premium basis, for any credit life, credit disability, credit unemployment, or credit property insurance, and any analogous product; or

''(B) the advance collection of a fee for any debt cancellation or suspension agreement or contract,

in connection with any such mortgage, whether such premium or fee is paid directly by the consumer or is financed by the consumer through such mortgage.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as affecting the right of a creditor to collect premium payments on insurance or debt cancellation or suspension fees referred to in paragraph (1) that are calculated and paid on a regular monthly basis, if the insurance transaction is conducted separately from the mortgage transaction, the insurance may be canceled by the consumer at any time, and the insurance policy is automatically canceled upon repayment or other termination of the mortgage referred to in paragraph (1).''.

(b) RESTRICTION ON FINANCING POINTS AND FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) RESTRICTION ON FINANCING POINTS AND FEES.—

''(1) LIMIT ON AMOUNT OF POINTS AND FEES THAT MAY BE FINANCED.—Subject to paragraphs (2) and (3) of subsection (c), no creditor may, in connection with the formation or consummation of a mortgage referred to in section 103(aa), finance, directly or indirectly, any portion of the points, fees, or other charges payable to the creditor or any third party in an amount in excess of the greater of 3 percent of the total loan amount or $600.

''(2) PROHIBITION ON FINANCING CERTAIN POINTS, FEES, OR CHARGES.—No creditor may, in connection with the formation or consummation of a mortgage referred to in section 103(aa), finance, directly or indirectly, any of the following fees or other charges payable to the creditor or any third party:

''(A) Any prepayment fee or penalty required to be paid by the consumer in connection with a loan or other extension of credit which is being refinanced by such mortgage if the creditor, with respect to such mortgage, or any affiliate of the creditor, is the creditor with respect to the loan or other extension of credit being refinanced.

''(B) Any points, fees, or other charges required to be paid by the consumer in connection with such mortgage if—

''(i) the mortgage is being entered into in order to refinance an existing mortgage of the consumer that is referred to in section 103(aa); and

''(ii) if the creditor, with respect to such new mortgage, or any affiliate of the creditor, is the creditor with respect to the existing mortgage which is being refinanced.''.

(c) CREDITOR CALL PROVISION.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (l) (as added by subsection (b) of this section) the following new subsection:

''(m) CREDITOR CALL PROVISION.—

''(1) IN GENERAL.—A mortgage referred to in section 103(aa) may not include terms under which the indebtedness may be accelerated by the creditor, in the creditor's sole discretion.

''(2) EXCEPTION.—Paragraph (1) shall not apply when repayment of the loan has been accelerated as a result of a bona fide default.''.

(d) PROHIBITION ON ACTIONS ENCOURAGING DEFAULT.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (m) (as added by subsection (c) of this section) the following new subsection:

''(n) PROHIBITION ON ACTIONS ENCOURAGING DEFAULT.—No creditor may make any statement, take any action, or fail to take any action before or in connection with the formation or consummation of any mortgage referred to in section 103(aa) to refinance all or any portion of an existing loan or other extension of credit, if the statement, action, or failure to act has the effect of encouraging or recommending the consumer to default on the existing loan or other extension of credit at any time before, or in connection with, the closing or any scheduled closing on such mortgage.''.

(e) MODIFICATION OR DEFERRAL FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (n) (as added by subsection (d) of this section) the following new subsection:

''(o) MODIFICATION OR DEFERRAL FEES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a creditor may not charge any consumer with respect to a mortgage referred to in section 103(aa) any fee or other charge—

''(A) to modify, renew, extend, or amend such mortgage, or any provision of the terms of the mortgage; or

''(B) to defer any payment otherwise due under the terms of the mortgage.

''(2) EXCEPTION FOR MODIFICATIONS FOR THE BENEFIT OF THE CONSUMER.—Paragraph (1) shall not apply with respect to any fee imposed in connection with any action described in subparagraph (A) or (B) if—

''(A) the action provides a material benefit to the consumer; and

''(B) the amount of the fee or charge does not exceed—

''(i) an amount equal to 0.5 percent of the total loan amount; or

''(ii) in any case in which the total loan amount of the mortgage does not exceed $60,000, an amount in excess of $300.''.

(f) CONSUMER COUNSELING REQUIREMENTS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (o) (as added by subsection (e) of this section) the following new subsection:

''(p) CONSUMER COUNSELING REQUIREMENT.—

''(1) IN GENERAL.—A creditor may not extend any credit in the form of a mortgage referred to in section 103(aa) to any consumer, unless the creditor has provided to the consumer, at such time before the consummation of the mortgage and in such manner as the Board shall provide by regulation, all of the following:

''(A) All warnings and disclosures regarding the risks of the mortgage to the consumer.

''(B) A separate written statement recommending that the consumer take advantage of available home ownership or credit counseling services before agreeing to the terms of any mortgage referred to in section 103(aa).

''(C) A written statement containing the names, addresses, and telephone numbers of names, addresses, and telephone numbers of counseling agencies or programs reasonably available to the consumer that have been certified or approved by the Secretary of Housing and Urban Development, a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), or the agency referred to in subsection (a) or (c) of section 108 with jurisdiction over the creditor as qualified to provide counseling on—

''(i) the advisability of a high cost loan transaction; and

''(ii) the appropriateness of a high cost loan for the consumer.

''(B) COMPLETE AND UPDATED LISTS REQUIRED.—Any failure to provide as complete or updated a list under paragraph (1)(C) as is reasonably possible shall constitute a violation of this section.''.

(g) ARBITRATION.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (p) (as added by subsection (f) of this section) the following new subsection:

''(q) ARBITRATION.—

''(1) IN GENERAL.—A mortgage referred to in section 103(aa) may not include terms which require arbitration or any other nonjudicial procedure as the method for resolving any controversy or settling any claims arising out of the transaction.

''(2) POST-CONTROVERSY AGREEMENTS.—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.

''(3) NO WAIVER OF STATUTORY CAUSE OF ACTION.—No provision of any mortgage referred to in section 103(aa) or any agreement between the consumer and the creditor shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.''.

(h) PROHIBITION ON EVASIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as added by subsection (g) of this section) the following new subsection:

''(r) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—

''(1) IN GENERAL.—A creditor may not take any action—

''(A) for the purpose or with the intent to circumvent or evade any requirement of this title, including entering into a reciprocal arrangement with any other creditor or affiliate of another creditor or dividing a transaction into separate parts, for the purpose of evading or circumventing any such requirement; or

''(B) with regard to any other loan or extension of credit for the purpose or with the intent to evade the requirements of this title, including structuring or restructuring a consumer credit transaction as another form of loan, such as a business loan.

''(2) OTHER ACTIONS.—In addition to the actions prohibited under paragraph (1), a creditor may not take any action which the Board determines, by regulation, constitutes a bad faith effort to evade or circumvent any requirement of this section with regard to a consumer credit transaction.

''(3) REGULATIONS.—The Board shall prescribe such regulations as the Board determines to be appropriate to prevent circumvention or evasion of the requirements of this section or to facilitate compliance with the requirements of this section.''.

SEC. 5. AMENDMENTS RELATING TO RIGHT OF RESCISSION.

(a) TIMING OF WAIVER BY CONSUMER.—Section 125(a) of the Truth in Lending Act (15 U.S.C. 1635(a)) is amended—

(1) by striking ''(a) Except as otherwise provided'' and inserting ''(a) RIGHT ESTABLISHED.—

''(1) IN GENERAL.—Except as otherwise provided''; and

(2) by adding at the end the following new paragraph:

''(2) TIMING OF ELECTION OF WAIVER BY CONSUMER.—No election by a consumer to waive the right established under paragraph (1) to rescind a transaction shall be effective if—

''(A) the waiver was required by the creditor as a condition for the transaction;

''(B) the creditor advised or encouraged the consumer to waive such right of the consumer; or

''(C) the creditor had any discussion with the consumer about a waiver of such right during the period beginning when the consumer provides written acknowledgement of the receipt of the disclosures and the delivery of forms and information required to be provided to the consumer under paragraph (1) and ending at such time as the Board determines, by regulation, to be appropriate.''.

(b) NONCOMPLIANCE WITH REQUIREMENTS AS RECOUPMENT IN FORECLOSURE PROCEEDING.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by inserting after the 2d sentence the following new sentence: ''This subsection also does not bar a person from asserting a rescission under section 125, in an action to collect the debt as a defense to a judicial or nonjudicial foreclosure after the expiration of the time periods for affirmative actions set forth in this section and section 125.''.

SEC. 6. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.

(a) INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in (2)(A)(iii), by striking ''$2,000'' and inserting ''$10,000''; and

(2) in paragraph (2)(B), by striking '' lesser of $500,000 or 1 percentum of the net worth of the creditor'' and inserting ''the greater of—

''(i) the amount determined by multiplying the maximum amount of liability under subparagraph (A) for such failure to comply in an individual action by the number of members in the certified class; or

''(ii) the amount equal to 2 percent of the net worth of the creditor.''.

(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) (as amended by section 5(b) of this Act) is amended—

(1) in the 1st sentence, by striking ''Any action'' and inserting ''Except as provided in the subsequent sentence, any action''; and

(2) by inserting after the 1st sentence the following new sentence: ''Any action under this section with respect to any violation of section 129 may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.''.

SEC. 7. AMENDMENT TO FAIR CREDIT REPORTING ACT.

Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) is amended by adding at the end the following new subsection:

''(e) DUTY OF CREDITORS WITH RESPECT TO HIGH COST MORTGAGES.—

''(1) IN GENERAL.—Each creditor who enters into a consumer credit transaction which is a mortgage referred to in section 103(aa), and each successor to such creditor with respect to such transaction, shall report the complete payment history, favorable and unfavorable, of the obligor with respect to such transaction to a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis at least quarterly, or more frequently as required by regulation or in guidelines established by participants in the secondary mortgage market, while such transaction is in effect.

''(2) DEFINITIONS.—For purposes of paragraph (1), the terms 'credit' and 'creditor' have the same meanings as in section 103.''.

SEC. 8. REGULATIONS.

The Board of Governors of the Federal Reserve System shall publish regulations implementing this Act, and the amendments made by this Act, in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

SUMMARY OF THE ''PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000''

Definition of ''High Cost'' Mortgage: the legislation tightens the definition of a ''high cost mortgage,'' for which certain consumer protections are triggered. The new definition, which amends the ''Home Ownership Equipment Protection Act,'' is as follows: First mortgages that exceed Treasury securities by six (6) percentage points; second mortgages that exceed Treasury securities by eight (8) percentage points; or mortgages where total points and fees payable by the borrower exceed the greater of five percent (5%) of the total loan amount, or $1,000. The bill revises the definition of points and fees to be more inclusive.

The following key protections are triggered for high cost mortgages only:

Restrictions on financing of points and fees. The bill restricts a creditor from directly or indirectly financing any portion of the points, fees or other charges greater than 3% of the total sum of the loan, or $600. The lender cannot finance prepayment penalties or points paid by the consumer if the originator of the loan is refinancing the loan. Moreover, the lender or any affiliated creditor cannot finance points and fees for the refinancing of a loan they originated.

Limitation on the payment of prepayment penalties. The bill prohibits the lender from imposing prepayment penalties after the initial 24 month period of the loan. During the first 24 months of a loan, prepayment penalties are limited to the difference in the amount of closing costs and fees financed and 3% of the total loan amount.

Prohibition on balloon payments. The bill prohibits the use of balloon payments.

Limitation on single premium credit insurance. The bill would prohibit upfront payment or financing of credit life, credit disability or credit unemployment insurance on a single premium basis. However, borrowers are free to purchase such insurance with the regular mortgage payment on a periodic basis, provided that it is a separate transaction that can be canceled at any time.

Extension of liability for home improvement contract loans. The bill would make parent companies and officers of lenders, or subsequent holders of loans by a contractor, liable for HOEPA violations if the contractor goes out of business to avoid liability.

Limitation on mandatory arbitration clauses. The bill prohibits mortgages from including terms which require arbitration or other non-judicial settlement as the sole method of settling claims or disputes arising under the loan agreement.

Prohibition on requiring rescission of rights. The bill prohibits a creditor from requiring or encouraging a borrower to sign an election not to exercise the three-day right to rescind or cancel a credit transaction at the same time that the borrowers receives notice of the right of rescission.

Other provisions in the bill:

Increase statutory damages in individual civil actions and class actions. The maximum amount that can be awarded in individual actions is increased to $100,000. The maximum amount that can be awarded in a class action is the greater of: (1) the maximum amount of the liability available for an individual action multiplied by the number of members or (ii) percent of the net worth of the creditor.

Require that as a condition for making a high cost loan, a creditor make a determination at the time the loan is consummated, that the borrower will be able to make the schedule payments to repay the loan obligation.

Prohibit a lender from making a high cost loan unless it certifies that it has provided the borrower with certain information regarding the risks associated with high cost loans and the availability of home ownership counseling.

Require additional disclosures related to the risks associated with high cost mortgages.

Prohibit a creditor/lender from: (i) recommending or encouraging default on an existing loan or other debt prior to, or in connection with, a closing on a high cost loan, (ii) including any provision which permits the creditor, in its sole discretion, to accelerate the indebtedness under the loan, or (iii) charging a borrower any fee to modify a high-cost loan or defer payment due under such high cost loan unless it provides a material benefit to the borrower.

Require that a creditor annually report both favorable and unfavorable payment history of borrowers to credit bureaus.

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 741

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 801

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1557

At the request of Mr. KERREY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1557, a bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1814

At the request of Mr. SMITH of Oregon, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. L. CHAFEE) 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. 2081

At the request of Mr. HATCH, the name of the Senator from Utah (Mr . BENNETT) was added as a cosponsor of S. 2081, a bill entitled ''Religious Liberty Protection Act of 2000.''

S. 2082

At the request of Mr. LEAHY, his name 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. 2297

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Florida (Mr. GRAHAM), and the Senator from Missouri (Mr. ASHCROFT) 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. 2357

At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2390

At the request of Mr. DEWINE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of 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.

S. 2394

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. CON. RES. 98

At the request of Mr. DEWINE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. BRYAN), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Indiana (Mr. BAYH), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from South Carolina (Mr. HOLLINGS) , the Senator from Louisiana (Ms. LANDRIEU), the Senator from Rhode Island (Mr. REED), the Senator from Alabama (Mr. SHELBY), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 272

At the request of Mr. VOINOVICH, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 272, a resolution expressing the sense of the Senate that the United States should remain actively engaged in southeastern Europe to promote long-term peace, stability, and prosperity; continue to vigorously oppose the brutal regime of Slobodan Milosevic while supporting the efforts of the democratic opposition; and fully implement the Stability Pact.

SENATE RESOLUTION 286—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS SHOULD HOLD HEARINGS AND THE SENATE SHOULD ACT ON THE CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was ordered to lie over, under the rule:

S. RES. 286

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties and norms, including the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW);

Whereas the Senate has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran, and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil, and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings, and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states' and individuals' rights;

Whereas the legislatures of California, Iowa, Massachusetts, New Hampshire, New York, North Carolina, South Dakota, and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, including many major national membership organizations, support U.S. ratification of CEDAW;

Whereas ratification of CEDAW would allow the United States to nominate a representative to the CEDAW oversight committee; and

Whereas 2000 is the 21st anniversary of the adoption of CEDAW by the United Nations General Assembly: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate Foreign Relations Committee should hold hearings on the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

(2) the Senate should act on CEDAW by July 19, 2000, the 20th anniversary of the signing of the convention by the United States.

—

SENATE RESOLUTION 287—EXPRESSING THE SENSE OF THE SENATE REGARDING U.S. POLICY TOWARD LIBYA

Mr. HELMS (for himself, Mr. KENNEDY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 287

Whereas 270 people, including 189 Americans, were killed in the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland on December 21, 1988;

Whereas this bombing was one of the worst terrorist atrocities in American history;

Whereas 2 Libyan suspects in the attack are scheduled to go on trial in The Netherlands on May 3, 2000;

Whereas the United Nations Security Council has required Libya to cooperate throughout the trial, pay compensation to the families if the suspects are found guilty, and end support for international terrorism before multilateral sanctions can be permanently lifted;

Whereas Libya is accused in the 1986 La Belle discotheque bombing in Germany which resulted in the death of 2 United States servicemen;

Whereas in March 1999, 6 Libyan intelligence agents including Muammar Qadhafi's brother-in-law, were convicted in absentia by French courts for the bombing of UTA Flight 772 that resulted in the death of 171 people, including 7 Americans;

Whereas restrictions on United States citizens' travel to Libya, known informally as a travel ban, have been in effect since December 11, 1981, as a result of ''threats of hostile acts against Americans'' according to the Department of State;

Whereas on March 22, 4 United States State Department officials departed for Libya as part of a review of the travel ban; and

Whereas Libyan officials have interpreted the review as a positive signal from the United States, and according to a senior Libyan official ''the international community was convinced that Libya's foreign policy position was not wrong and there is a noticeable improvement in Libya's relations with the world'': Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Libya's refusal to accept responsibility for its role in terrorist attacks against United States citizens suggests that the imminent danger to the physical safety of United States travelers continues;

(2) the Administration should consult fully with Congress in considering policy toward Libya, including disclosure of any assurances received by the Qadhafi regime relative to the judicial proceedings in The Hague; and

(3) the travel ban and all other United States restrictions on Libya should not be eased until all cases of American victims of Libyan terrorism have been resolved and the Government of Libya has cooperated fully in bringing the perpetrators to justice.

Mr. KENNEDY. Mr. President, I am pleased to join Senators HELMS and

LAUTENBERG in submitting this resolution on the travel ban and other U.S. restrictions on Libya.

At the end of March, a team of State Department officials visited Libya as part of a review of the ban that has been in effect since 1981 on U.S. travel to Libya. State Department officials were in Libya for 26 hours, visiting hotels and other sites. Based on the findings of this delegation, the State Department is preparing a recommendation for the Secretary of State to help her determine whether there is still ''imminent danger to . . . the physical safety of United States travellers,'' as the law requires in order to maintain the ban.

Because of the travel ban, American citizens can travel to Libya only if they obtain a license from the Department of the Treasury. In addition, the State Department must first validate a passport for travel to Libya.

The travel ban was imposed originally for safety reasons and predates the terrorist bombing of Pan Am Flight 103. But lifting the ban now, just as the two Libyan suspects are about to go on trial in The Netherlands for their role in that atrocity, will undoubtedly be viewed as a gesture of good will to Colonel Qadhafi.

After State Department announced that it would send this consular team to Libya, a Saudi-owned daily paper quoted a senior Libyan official as saying the one-day visit by the U.S. team was a ''step in the right direction.'' The official said the visit was a sign that ''the international community was convinced that Libya's foreign policy position was not wrong and there is a noticeable improvement in Libya's relations with the world.''

Libya's Deputy Minister for Foreign Affairs and International Cooperation said the visit demonstrated that the Administration ''has realized the importance of Libya'' and that Libya considers ''that the negative chapter in our relations is over.''

Libya's Secretary for African Unity told reporters that the visit to Libya by U.S. officials was a welcome step and that '' . . . we welcome the normalization between the two countries.''

The good will gesture was certainly not lost on Colonel Qadhafi, who said on April 4, when asked about a possible warming of relations with the United States: ''I think America has reviewed its policy toward Libya and discovered that it is wrong . . . it is a good time for America to change its policy toward Libya.''

I have been in contact with many of the families of the victims of Pan Am Flight 103, and they are extremely upset by the timing of this decision. They are united in their belief that the U.S. delegation should not have been sent to Libya and that it would be a serious mistake to lift the travel ban before justice is served. The families want to know why the Secretary of State made this friendly overture to Colonel Qadhafi now—just six weeks before the trial in the Netherlands begins. They question how much information the State Department was able to obtain by spending only 26 hours in Libya. They wonder why the State Department could not continue to use the same sources of information it has been using for many years to make a determination about the travel ban.

There is no reason to believe that the situation in Libya has changed since November 1999, when the travel ban was last extended on the basis of imminent danger to American citizens. Indeed, in January 2000 President Clinton cited Libya's support for terrorist activities and its non-compliance with UN Security Council Resolutions 731, 748, and 863 as actions and policies that ''pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interest of the United States.''

These American families have waited for justice for eleven long years. They felt betrayed by the decision to send the consular delegation to Libya. They have watched with dismay as our close ally, Great Britain, has moved to reestablish diplomatic relations with Libya, before justice is served for the British citizens killed in the terrorist bombing. The State Department denies it, but the families are concerned that the visit signals a change in U.S. policy, undermines U.S. sanctions, and calls into question the Administration's commitment to vigorously enforce the Iran Libya Sanctions Act. That Act requires the United States to impose sanctions on foreign companies which invest more than $40 million in the Libyan petroleum industry, until Libya complies with the conditions specified by the U.N. Security Council in its resolutions.

The bombing of Pan Am Flight 103, in which 188 Americans were killed, was one of the worst terrorist atrocities in American history. Other American citizens are waiting for justice in other cases against Libya as well. Libya is also accused in the 1986 La Belle discotheque bombing in Germany, which resulted in the deaths of two United States servicemen. The trial against five individuals implicated began in December of 1997 and is ongoing. In March 1999, six Libyan intelligence agents, including Colonel Qadhafi's brother-in-law, were convicted in absentia by a French court for the bombing of UTA Flight 772, which resulted in the deaths of 171 people, including seven Americans. A civil suit against Colonel Qadhafi based on that bombing is pending in France.

The State Department should not have sent a delegation to Libya now and it should not lift the travel ban on Libya at this time. The State Department's long-standing case-by-case consideration of passport requests for visits to Libya by U.S. citizens has worked well. It can continue to do so for the foreseeable future.

The resolution we are submitting today states the sense of the Senate that Libya's refusal to accept responsibility for its role in terrorist attacks against United States citizens suggests that the imminent danger to the physical safety of United States travelers continues. It calls on the Administration to consult fully with the U.S. Congress in considering policy toward Libya. It states that the travel ban and all other U.S. restrictions on Libya should not be eased until all cases of American victims of Libyan terrorism have been resolved and the government of Libya has cooperated fully in bringing the perpetrators to justice.

I urge my colleagues to support this resolution, and I ask unanimous consent that a Washington Post article and editorial on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 2000]

STEALTHY SHIFT ON LIBYA

(By Jim Hoagland)

In the 11 years since her husband and 188 other Americans were murdered aboard Pan Am 103, Victoria Cummock has learned to listen carefully to the words State Department officials, say, and do not say, to her. So alarm bells went off for Cummock the third or fourth time her latest interlocutor from Foggy Bottom seemed to limit responsibility for the terror bombing to ''the two indicted Libyans.''

''Wait a minute,'' Cummock recalls telling Michael Sheehan, head of the State Department's counterterrorism office. ''Your department always spoke of Libya and state-sponsored terrorism being responsible. You are distancing your past position. You now present this as just two wild and crazy guys off on their own? What is going on?''

In the small space between two bureaucratic formulations Victoria Cummock heard the sound of her husband, and the other victims of a gigantic crime aimed at their nation, being consigned to official oblivion. Your cause is no longer our cause, she and others on the telephone conference call heard Sheehan not quite say. It is to move on.

Sheehan does not recall the exchange that way. He told me he never made the semantic distinction heard by Cummock, who lives in Coral Gables, Fla. But he also declined to respond directly when I asked if he thought Libya still practices or supports state-sponsored terrorism. ''They are still on our terrorism list,'' was as far as he would go.

Mere she-said, he-said in an emotion-charged conversation between still-grieving families and a government official given the thankless task of briefing them? Not quite. Whatever the exact words spoken, Cummock did hear the background music being played in a skillful operation to move policy one small step at a time, almost imperceptibly and always deniably.

The Clinton administration has for more than a year been slowly shifting from a policy of isolating and punishing Libya to a policy of exploring whether the North African state can be rehabilitated and its oil made available to U.S. markets once again.

In the most transparent move yet, the State Department dispatched four officials to Tripoli Wednesday to judge whether Americans can safely travel to a country that few realize has been off-limits to them since 1981. The diplomats' safe return this weekend will presumably be evidence in the affirmative. Then a recommendation will go to Secretary of State Madeleine Albright to remove or keep the official ban on U.S. travel to that inhospitable, barren land.

Sheehan insistently discounted the importance of this trip, and Albright may yet decide to keep the ban on. But this maneuvering must be viewed for what it is: a piece in a pattern of endgame diplomacy by the Clinton administration. Improving relations with states once known as rogues and lifting or easing sanctions where possible (with the exception of still politically useful Cuba) has become an undeclared but important objective for the Clintonites.

The push to close the books on the bombing of Pan Am 103 over Scotland, on Dec. 21, 1988, and other Libyan misdeeds is in part a response on the White House from Britain, Egypt and U.S. oil companies, all of which argue the case for rewarding Moammar Gadhafi's recent abstinence from terrorist exploits.

But it also reflects President Clinton's concern over the diplomatic and humanitarian effects of open-ended sanctions. ''The lack of international consensus on sanctions and the costs that brings has bothered him for some time,'' says one well-placed official.

There is a case to be made for reviewing and adjusting U.S. sanctions as conditions change: Clinton has in fact allowed Albright to make that case publicly and persuasively on Iran. She has skillfully mixed approval of a trend to internal democracy with strictures about Iran's continuing depredations abroad and let the public judge each step as it is taken.

But there is no similar intellectual honesty on Libya. There seems to be instead a stealth policy to bring change but not accept political responsibility for giving up on confronting the dictator who would have had to authorize Libyan participation in the bombing.

Last year the White House overrode skepticism from Justice Department officials and other opposition within the administration and agreed to Gadhafi's terms for a trial of two Libyan underling in The Hague, under Scottish law. Their trial begins in May.

''There was an unvoiced sense in these meetings that the Pan Am 103 families had to get over it and move on with their lives. The trial would help with that as well as with our diplomatic objectives,'' said one official who participated in the contentious high-level interagency sessions. ''But if these two are acquitted, it is all over. There will be no more investigations, and no more international pressure on Gadhafi. It is a huge risk.''

Worse: It is a huge risk that Bill Clinton is willing to take but not explain honestly to the American people. For shame, Mr. President.

[From the Washington Post, Apr. 3, 2000]

THE LIBYA THAW

Four American diplomats recently returned from Libya, where they were sent by Secretary of State Madeleine Albright to determine whether it is time for the United States to lift the ban on using U.S. passports to visit Moammar Gadhafi's realm. The trip follows other steps hinting at a Clinton administration intention to thaw relations with a regime that remains on the U.S. list of states that sponsor terrorism.

The most notorious terrorist act linked to Tripoli is the Dec. 21, 1988, bombing of Pan Am Flight 103 over Lockerbie, Scotland. The attack killed 270 people, including 189 Americans. After an investigation fingered two Libyan agents, the United States won U.S. Security Council approval for sanctions against Libya. Last year the Clinton administration agreed to ''suspend'' sanctions after Mr. Gadhafi consented to hand the two men over for a trial under Scottish law at a special court in Holland. The Libyan dictator did so only after being satisfied, via a U.S.-vetted letter from U.N. Secretary General Kofi Annan, that the trial, which opens May 3, would focus on the two suspects and not on his regime.

In striking this compromise, the Clinton administration made clear that it would not approve permanent lifting of the U.N. sanctions or the lifting of unilateral U.S. sanctions until Mr. Gadhafi meets other demands, such as paying compensation, accepting Libyan responsibility for the crime and revealing all that his regime knows about it. But the administration has not pressed those issues at the U.N., and its diplomatic body language suggests it is trying to wrap up a long battle that has often placed the United States at odds with European allies who rely on Libyan oil.

Perhaps the administration believes the economic and diplomatic costs of a hard line on Libya now outweigh the benefits. Perhaps Mr. Gadhafi's recent expulsion from Libya of the Abu Nidal organization deserves to be rewarded. And perhaps it is futile to insist that Mr. Gadhafi tell everything he knows about the case, however contradictory it may be to prosecute the two bombers while settling, at most, for compensation from Mr. Gadhafi, who almost certainly would have ordered such an attack.

Whatever the rationale, the American public is entitled to a full explanation. But, with the exception of a speech by Assistant Secretary of State Ronald Neumann last November, the Clinton administration has kept its Libya decision-making in the shadows. Despite requests from the Pan Am 103 victims' families, it won't release the Annan letter, citing diplomatic privacy. A legitimate point—but it inevitably leaves many wondering whether the letter contains inappropriate promises to Mr. Gadhafi. If there's nothing untoward about the Clinton administration's overall Libya policy, why doesn't Secretary Albright, or, better, the president, do more to help the public understand it?

SENATE RESOLUTION 288—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 6, 2000, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

Mr. TORRICELLI (for himself, Mr. HELMS, Mr. GRAHAM, Mr. MACK, and Mr. REID) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 289

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas the United States Department of State 1999 Country Reports on Human Rights Practices, released on February 25, 2000, includes the following statements describing conditions in Cuba:

(1) ''Cuba is a totalitarian state controlled by President Fidel Castro. . . . President Castro exercises control over all aspects of Cuban life. . . . The Communist Party is the only legal political entity. . . . There are no contested elections. . . . The judiciary is completely subordinate to the government and to the Communist Party. . . .''.

(2) ''The Ministry of Interior. . . investigates and actively suppresses opposition and dissent. It maintains a pervasive system of vigilance through undercover agents, informers, the rapid response brigades, and the Committees for the Defense of the Revolution (CDR's). . . .''.

(3) ''[The government] continued systematically to violate fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully. . . . The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. . . .''.

(4) ''The government denied citizens the freedoms of speech, press, assembly, and association. . . . It limited the distribution of foreign publications and news to selected party faithful and maintained strict censorship of news and information to the public. The government kept tight restrictions on freedom of movement, including foreign travel. . . .''.

(5) ''The government continued to subject those who disagreed with it to 'acts of repudiation'. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims are obliged to stage public protests against those who dissent with the government's policies. . . . Those who refuse to participate in these actions face disciplinary action, including loss of employment. . . .''.

(6) ''Detainees and prisoners often are subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements. . . . The government does not permit independent monitoring of prison conditions. . . .''.

(7) ''Arbitrary arrest and detention continued to be problems, and they remained the government's most effective weapons to harass opponents. . . . [T]he Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the 'decision of the Cuban people to build socialism'. The authorities invoke this sweeping authority to deny due process to those detained on purported state security grounds. . . .''.

(8) ''The Penal Code includes the concept of 'dangerousness', defined as the 'special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms'. If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to 'therapy' or

'political reeducation. . . .' Often the sole evidence provided, particularly in political cases, is the defendant's confession, usually obtained under duress. . . .''.

(9) ''Human rights monitoring groups inside the country estimate the number of political prisoners at between 350 and 400 persons. . . . According to human rights monitoring groups inside the country, the number of political prisoners increased slightly during the year. . . .''.

(10) ''The government does not allow criticism of the revolution or its leaders. . . . Charges of disseminating enemy propaganda (which includes merely expressing opinions at odds with those of the government) can bring sentences of up to 14 years. . . . Even the church-run publications are watched closely, denied access to mass printing equipment, and subject to governmental pressure. . . . All media must operate under party guidelines and reflect government views. . . .''.

(11) ''The law punishes any unauthorized assembly of more than 3 persons, including those for private religious services in a private home. . . . The authorities have never approved a public meeting by a human rights group''.

(12) ''The government kept tight restrictions on freedom of movement. . . . [S]tate security officials have forbidden human rights advocates and independent journalists from traveling outside their home provinces, and the government also has sentenced others to internal exile''.

(13) ''Citizens do not have the legal right to change their government or to advocate change, and the government has retaliated systematically against those who sought peaceful political change. . . . An opposition or independent candidate has never been allowed to run for national office. . . .''.

(14) ''The government does not recognize any domestic human rights groups, or permit them to function legally . . . the government refuses to consider applications for legal recognition submitted by human rights monitoring groups. . . . The government steadfastly has rejected international human rights monitoring''.

(15) ''Workers can and have lost their jobs for their political beliefs, including their refusal to join the official union. . . . [T]he government requires foreign investors to contract workers through state employment agencies . . . workers . . . must meet certain political qualifications . . . to ensure that the workers chosen deserve to work in a joint enterprise. . . . [E]xploitative labor practices force foreign companies to pay the government as much as $500 to $600 per month for workers, while the workers in turn receive only a small peso wage from the government;''; and

Whereas the Czech Republic and Poland will again introduce a resolution condemning human rights practices of the Government of Cuba at the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA.

(a) SUPPORT FOR HUMAN RIGHTS RESOLUTION.—The Senate hereby expresses its support for the decision of member states meeting at the 56th Session of the United Nations Human Rights Commission in Geneva, Switzerland, to consider a resolution introduced by the Czech Republic and Poland that, among other things, calls upon Cuba to respect ''human rights and fundamental freedoms and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should make every effort necessary, including the engagement of high-level executive branch officials, to encourage cosponsorship of and support for this resolution on Cuba by other governments.

(c) TRANSMITTAL OF RESOLUTION.—The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State with the request that a copy be further transmitted to the chief of diplomatic mission in Washington, D.C., of each member state represented on the United Nations Human Rights Commission.

SENATE RESOLUTION 290—EXPRESSING THE SENSE OF THE SENATE THAT COMPANIES LARGE AND SMALL IN EVERY PART OF THE WORLD SHOULD SUPPORT AND ADHERE TO THE GLOBAL SULLIVAN PRINCIPLES OF CORPORATE SOCIAL RESPONSIBILITY WHEREVER THEY HAVE OPERATIONS

Mr. SPECTER (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 290

Whereas Reverend Leon Sullivan, author of the Global Sullivan Principles, is known throughout the world for his bold and principled efforts to dismantle the system of apartheid in South Africa, for his work with Opportunities Industrialization Centers (OIC's) to create jobs for over 1,000,000 youth in 130 United States cities and 18 countries, and for his work in literacy training all over the world;

Whereas Reverend Sullivan initiated the original Sullivan Principles in 1977 as a code of conduct for companies operating in South Africa;

Whereas the Global Sullivan Principles promote equal opportunity for employees of all ages, races, ethnic backgrounds, and religions;

Whereas the Global Sullivan Principles stress the social responsibilities of corporations;

Whereas on June 7, 1999, President Clinton gave approval to the Principles; and

Whereas on November 2, 1999, Kofi Annan, Secretary General of the United Nations, urged corporate leaders to put the Global Sullivan Principles into practice: Now, therefore, be it

Resolved,

SECTION 1. CALLING FOR SUPPORT AND COMPLIANCE WITH THE GLOBAL SULLIVAN PRINCIPLES OF CORPORATE SOCIAL RESPONSIBILITY.

The Senate calls on companies large and small in every part of the world to support and adhere to the Global Sullivan Principles of Corporate Social Responsibility wherever they have operations.

SEC. 2. STATEMENT OF GLOBAL SULLIVAN PRINCIPLES OF CORPORATE SOCIAL RESPONSIBILITY.

In this resolution, the term ''Global Sullivan Principles of Corporate Social Responsibility'' means the principles stated as follows:

''As a company which endorses the Global Sullivan Principles we will respect the law, and as a responsible member of society we will apply these Principles with integrity consistent with the legitimate role of business. We will develop and implement company policies, procedures, training, and internal reporting structures to ensure commitment to these principles throughout our organization. We believe the application of these principles will achieve greater tolerance and better understanding among peoples, and advance the culture of peace.

''Accordingly, we will;

''Express our support for universal human rights and, particularly, those of our employees, the communities within which we operate, and parties with whom we do business.

''Promote equal opportunity for our employees at all levels of the company with respect to issues such as color, race, gender, age, ethnicity or religious beliefs, and operate without unacceptable worker treatment such as the exploitation of children, physical punishment, female abuse, involuntary servitude, or other forms of abuse.

''Respect our employees' voluntary freedom of association.

''Compensate our employees to enable them to meet at least their basic needs and provide the opportunity to improve their skill and capability in order to raise their social and economic opportunities.

''Provide a safe and healthy workplace; protect human health and the environment and promote sustainable development.

''Promote fair competition including respect for intellectual and other property rights, and not offer, pay or accept bribes.

''Work with governments and communities in which we do business to improve the quality of life in those communities, their educational, cultural, economic and social well-being and seek to provide training and opportunities for workers from disadvantaged backgrounds.

''Promote the application of these principles by those with whom we do business.

''We will be transparent in our implementation of these principles and provide information which demonstrates publicly our commitment to them.''.

AMENDMENTS SUBMITTED

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

DORGAN AMENDMENT NO. 3092

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him 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 applicable to unmarried individuals; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CONSERVATION RESERVE PROGRAM PAYMENTS AS RENTALS FROM REAL ESTATE.

(a) IN GENERAL.—Section 1402(a)(1) of the Internal Revenue Code of 1986 (defining net earnings from self-employment) is amended by inserting ''and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2))'' after ''crop shares''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SMITH AMENDMENT NO. 3093

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 6, supra; as follows:

Strike section 3 and insert:

SEC. 3. ELIMINATION 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) ELIMINATION 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 200 percent 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) 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 ''ELIMINATION 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.

SCHUMER (AND BAYH) AMENDMENT NO. 3094

(Ordered to lie on the table.)

Mr. SCHUMER (for himself and Mr. BAYH) submitted an amendment intended to be proposed by them to the bill, H.R. 6, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. DEDUCTION FOR HIGHER EDUCATION EXPENSES AND CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) DEDUCTION ALLOWED.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

''SEC. 222. HIGHER EDUCATION EXPENSES.

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable dollar amount of the qualified higher education expenses paid by the taxpayer during the taxable year.

''(2) APPLICABLE DOLLAR AMOUNT.—The applicable dollar amount for any taxable year shall be determined as follows:

''Taxable year:	Applicable dollar amount:
2002	$4,000
2003	$8,000
2004 and thereafter	$12,000.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $62,450 ($104,050 in the case of a joint return, $89,150 in the case of a return filed by a head of household, and $52,025 in the case of a return by a married individual filing separately), bears to

''(B) $15,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

''(A) without regard to this section and sections 911, 931, and 933, and

''(B) after the application of sections 86, 135, 219, 220, and 469.

For purposes of the sections referred to in subparagraph (B), adjusted gross income shall be determined without regard to the deduction allowed under this section.

''(c) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this section—

''(1) QUALIFIED HIGHER EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition and fees charged by an educational institution and required for the enrollment or attendance of—

''(i) the taxpayer,

''(ii) the taxpayer's spouse,

''(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151, or

''(iv) any grandchild of the taxpayer,

as an eligible student at an institution of higher education.

''(B) ELIGIBLE COURSES.—Amounts paid for qualified higher education expenses of any individual shall be taken into account under subsection (a) only to the extent such expenses—

''(i) are attributable to courses of instruction for which credit is allowed toward a baccalaureate degree by an institution of higher education or toward a certificate of required course work at a vocational school, and

''(ii) are not attributable to any graduate program of such individual.

''(C) EXCEPTION FOR NONACADEMIC FEES.—Such term does not include any student activity fees, athletic fees, insurance expenses, or other expenses unrelated to a student's academic course of instruction.

''(D) ELIGIBLE STUDENT.—For purposes of subparagraph (A), the term 'eligible student' means a student who—

''(i) meets the requirements of section 484(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(1)), as in effect on the date of the enactment of this section, and

''(ii) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education.

''(E) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under subsection (a) to a taxpayer with respect to an eligible student unless the taxpayer includes the name, age, and taxpayer identification number of such eligible student on the return of tax for the taxable year.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution which—

''(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this section, and

''(B) is eligible to participate in programs under title IV of such Act.

''(d) SPECIAL RULES.—

''(1) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction is allowable to the taxpayer under any other provision of this chapter unless the taxpayer irrevocably waives his right to the deduction of such expense under such other provision.

''(B) DENIAL OF DEDUCTION IF CREDIT ELECTED.—No deduction shall be allowed under subsection (a) for a taxable year with respect to the qualified higher education expenses of an individual if the taxpayer elects to have section 25A apply with respect to such individual for such year.

''(C) DEPENDENTS.—No deduction shall be allowed under subsection (a) to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(D) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified higher education expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135 or 530(d)(2) for the taxable year.

''(2) LIMITATION ON TAXABLE YEAR OF DEDUCTION.—

''(A) IN GENERAL.—A deduction shall be allowed under subsection (a) for qualified higher education expenses for any taxable year only to the extent such expenses are in connection with enrollment at an institution of higher education during the taxable year.

''(B) CERTAIN PREPAYMENTS ALLOWED.—Subparagraph (A) shall not apply to qualified higher education expenses paid during a taxable year if such expenses are in connection with an academic term beginning during such taxable year or during the first 3 months of the next taxable year.

''(3) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS BENEFITS.—The amount of qualified higher education expenses otherwise taken into account under subsection (a) with respect to the education of an individual shall be reduced (before the application of subsection (b)) by the sum of the amounts received with respect to such individual for the taxable year as—

''(A) a qualified scholarship which under section 117 is not includable in gross income,

''(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or

''(C) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a)) for educational expenses, or attributable to enrollment at an eligible educational institution, which is exempt from income taxation by any law of the United States.

''(4) NO DEDUCTION FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(5) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

''(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting.''

(2) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (17) the following:

''(18) HIGHER EDUCATION EXPENSES.—The deduction allowed by section 222.''

(3) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 222 and inserting the following:

''Sec. 222. Higher education expenses.

''Sec. 223. Cross reference.''

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made in taxable years beginning after December 31, 2001.

(b) CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. INTEREST ON HIGHER EDUCATION LOANS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,200.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($80,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2003, the $50,000 and $80,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2002' for '1992'.

''(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

''(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

''(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

''(e) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1).

''(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

''(f) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

''(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.''

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Interest on higher education loans.''

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any qualified education loan (as defined in section 25B(e)(1) of the Internal Revenue Code of 1986, as added by this subsection) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2002.

BAYH AMENDMENTS NOS. 3095–3096

(Ordered to lie on the table.)

Mr. BAYH submitted two amendments intended to be proposed by him to the bill, H.R. 6, supra; as follows:

AMENDMENT NO. 3095

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Targeted Marriage Tax Penalty Relief Act of 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) SECTION 15 NOT TO APPLY.—No amendment made by section 2 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. MARRIAGE CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. MARRIAGE CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of a joint return under section 6013, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of the amount determined under subsection (b) or (c) for the taxable year.

''(b) AMOUNT UNDER SUBSECTION (b).—For purposes of subsection (a), the amount under this subsection for any taxable year with respect to a taxpayer is determined in accordance with the following table:

''Taxable year:	Amount:
2001	$500
2002	$900
2003	$1,300
2004 and thereafter	$1,700.

''(c) DETERMINATION OF AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the amount determined under this subsection for any taxable year with respect to a taxpayer is equal to the excess (if any) of—

''(A) the joint tentative tax of such taxpayer for such year, over

''(B) the combined tentative tax of such taxpayer for such year.

''(2) JOINT TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The joint tentative tax of a taxpayer for any taxable year is equal to the tax determined in accordance with the table contained in section 1(a) on the joint tentative taxable income of the taxpayer for such year.

''(B) JOINT TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the joint tentative taxable income of a taxpayer for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such taxpayer for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(A)(i) for such taxpayer for such year, or

''(bb) in the case of an election under section 63(e), the total itemized deductions determined under section 63(d) for such taxpayer for such year, and

''(II) the total exemption amount for such taxpayer for such year determined under section 151.

''(3) COMBINED TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The combined tentative tax of a taxpayer for any taxable year is equal to the sum of the taxes determined in accordance with the table contained in section 1(c) on the individual tentative taxable income of each spouse for such year.

''(B) INDIVIDUAL TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the individual tentative taxable income of a spouse for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such spouse for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(C) for such spouse for such year, or

''(bb) in the case of an election under section 63(e), one-half of the total itemized deductions determined under paragraph (2)(B)(ii)(I)(bb) for such spouse for such year, and

''(II) one-half of the total exemption amount determined under paragraph (2)(B)(ii)(II) for such year.

''(d) PHASEOUT OF CREDIT.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph is the determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's adjusted gross income for such taxable year, over

''(ii) $120,000, bears to

''(B) $20,000.

''(e) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2004, the $1,700 amount referred to in subsection (b) and the $120,000 amount referred to in subsection (d)((2)(A)(ii) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2003' for '1992'.

''(2) ROUNDING.—If the $1,700 amount (as so referred) and the $120,000 amount (as so referred) as adjusted under paragraph (1) is not a multiple of $25 and $50, respectively, such amount shall be rounded to the nearest multiple of $25 and $50, respectively.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Marriage credit.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(b) (relating to percentages and amounts) is amended—

(1) by striking ''PERCENTAGES.—The credit'' in paragraph (1) and inserting ''PERCENTAGES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the credit'',

(2) by adding at the end of paragraph (1) the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout percentage determined under subparagraph (A)—

''(i) in the case of an eligible individual with 1 qualifying child shall be decreased by 1.87 percentage points, and

''(ii) in the case of an eligible individual with 2 or more qualifying child shall be decreased by 2.01 percentage points.'',

(3) by striking ''AMOUNTS.—The earned'' in paragraph (2) and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned'', and

(4) 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 $2,000.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) (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 $2,000 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) (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.

AMENDMENT NO. 3096

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Targeted Marriage Tax Penalty Relief Act of 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) SECTION 15 NOT TO APPLY.—No amendment made by section 2 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. MARRIAGE CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. MARRIAGE CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of a joint return under section 6013, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of the amount determined under subsection (b) or (c) for the taxable year.

''(b) AMOUNT UNDER SUBSECTION (b).—For purposes of subsection (a), the amount under this subsection for any taxable year with respect to a taxpayer is determined in accordance with the following table:

''**Taxable year:**	**Amount:**
2001	$500
2002	$900
2003	$1,300
2004 and thereafter	$1,700.

''(c) DETERMINATION OF AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the amount determined under this subsection for any taxable year with respect to a taxpayer is equal to the excess (if any) of—

''(A) the joint tentative tax of such taxpayer for such year, over

''(B) the combined tentative tax of such taxpayer for such year.

''(2) JOINT TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The joint tentative tax of a taxpayer for any taxable year is equal to the tax determined in accordance with the table contained in section 1(a) on the joint tentative taxable income of the taxpayer for such year.

''(B) JOINT TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the joint tentative taxable income of a taxpayer for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such taxpayer for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(A)(i) for such taxpayer for such year, or

''(bb) in the case of an election under section 63(e), the total itemized deductions determined under section 63(d) for such taxpayer for such year, and

''(II) the total exemption amount for such taxpayer for such year determined under section 151.

''(3) COMBINED TENTATIVE TAX.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The combined tentative tax of a taxpayer for any taxable year is equal to the sum of the taxes determined in accordance with the table contained in section 1(c) on the individual tentative taxable income of each spouse for such year.

''(B) INDIVIDUAL TENTATIVE TAXABLE INCOME.—For purposes of subparagraph (A), the individual tentative taxable income of a spouse for any taxable year is equal to the excess of—

''(i) the earned income (as defined in section 32(c)(2)), and any income received as a pension or annuity which arises from an employer-employee relationship (including any social security benefit (as defined in section 86(d)(1)), of such spouse for such year, over

''(ii) the sum of—

''(I) either—

''(aa) the standard deduction determined under section 63(c)(2)(C) for such spouse for such year, or

''(bb) in the case of an election under section 63(e), one-half of the total itemized deductions determined under paragraph (2)(B)(ii)(I)(bb) for such spouse for such year, and

''(II) one-half of the total exemption amount determined under paragraph (2)(B)(ii)(II) for such year.

''(d) PHASEOUT OF CREDIT.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's adjusted gross income for such taxable year, over

''(ii) $120,000, bears to

''(B) $20,000.

''(e) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2004, the $1,700 amount referred to in subsection (b) and the $120,000 amount referred to in subsection (d)((2)(A)(ii) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2003' for '1992'.

''(2) ROUNDING.—If the $1,700 amount (as so referred) and the $120,000 amount (as so referred) as adjusted under paragraph (1) is not a multiple of $25 and $50, respectively, such amount shall be rounded to the nearest multiple of $25 and $50, respectively.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Marriage credit.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(b) (relating to percentages and amounts) is amended—

(1) by striking ''PERCENTAGES.—The credit'' in paragraph (1) and inserting ''PERCENTAGES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the credit'',

(2) by adding at the end of paragraph (1) the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout percentage determined under subparagraph (A)—

''(i) in the case of an eligible individual with 1 qualifying child shall be decreased by 1.87 percentage points, and

''(ii) in the case of an eligible individual with 2 or more qualifying child shall be decreased by 2.01 percentage points.'',

(3) by striking ''AMOUNTS.—The earned'' in paragraph (2) and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned'', and

(4) 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 $2,000.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) (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 $2,000 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) (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.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, April 27 at 9:30 a.m. in room SH–216 of the Hart Senate Office Building in Washington, DC.

This is the third in a series of hearings regarding pending electricity competition legislation: 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. 1273, 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.

For further information, please call Trici Heninger at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 12, 2000, at 9:30 a.m. on S. 2255—Internet Tax Freedom Act.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 12, 2000 at 10:00 a.m. for a hearing regarding Wassenaar Arrangement and the Future of Multilateral Export Controls.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, April 12, 2000, at 11:00 a.m.

The Presiding Officer. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, April 12, 2000, at 3:30 p.m. The markup will take place off the floor in The President's Room.

The Presiding Officer. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, April 12, 2000, at 9:30 a.m., in Hart 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 2, 2000, at 9:30 a.m., to receive testimony on compelled political speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 12, 2000 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 12, 2000 at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 12, 2000, to conduct a hearing on ''Multi-State Insurance Agent Licensing Reforms and the Creation of the National Association of Registered Agents and Brokers.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 12 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on federal actions affecting hydropower operations on the Columbia River system.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ROBERTS. Mr. President, I ask unanimous consent that a congressional fellow, an outstanding pilot in the U.S. Air Force, Maj. Scott Kindsvater, be allowed privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent Elizabeth Smith, the legal counsel for the Employment, Safety and Training Subcommittee be granted the privilege of the floor during further debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL OF S. 2163

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 2163, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, and that the measure be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TAKING OF PHOTOGRAPH

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 288, submitted earlier by Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 288) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 288) was agreed to, as follows:

S. RES. 288

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 6, 2000, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 19TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

AUTHORIZING USE OF CAPITOL GROUNDS FOR 200TH BIRTHDAY CELEBRATION OF THE LIBRARY OF CONGRESS

AUTHORIZING USE OF THE EAST FRONT OF THE CAPITOL GROUNDS FOR CERTAIN PERFORMANCES

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of the following concurrent resolutions and, further, that the Senate proceed to their consideration en bloc: H. Con. Res. 278, H. Con. Res. 279, and H. Con. Res. 281.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolutions by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 278) authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

A concurrent resolution (H. Con. Res. 279) authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

A concurrent resolution (H. Con. Res. 281) authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the concurrent resolutions.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolutions be agreed to and the motions to reconsider be laid upon the table, with the above occurring en bloc.

The concurrent resolutions (H. Con. Res. 278, H. Con. Res. 279, and H. Con. Res. 281) were agreed to.

PROVIDING FOR CERTAIN APPOINTMENTS TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of the following Senate joint resolutions: S.J. Res. 40, S.J. Res. 41, and S.J. Res. 42, and I ask unanimous consent that the Senate proceed to these resolutions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolutions by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 40) providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

A joint resolution (S.J. Res. 41) providing for the appointment of Sheila E. Widnall as citizen regent of the Board of Regents of the Smithsonian Institution.

A joint resolution (S.J. Res. 42) providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolutions.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolutions be read a third time and passed, en bloc, the motions to reconsider be laid upon the table, and any statements relating to these resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (S.J. Res. 40, S.J. Res. 41, and S.J. Res. 42) were read the third time and passed, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Frank A. Shrontz of Washington on May 4, 2000, is filled by the appointment of Sheila E. Widnall of Massachusetts. The appointment is for a term of 6 years and shall take effect on May 5, 2000.

S.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manuel L. Ibanez of Texas on May 4, 2000, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2000.

STAR PRINT—S. 2343

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that S. 2343, the National Historic Lighthouse Preservation Act of 2000, as introduced on April 4, 2000, be star printed to add text that was inadvertently omitted in the original bill. That is a request of Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, APRIL 13, 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Thursday, April 13. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m., with Senators speaking up to 5 minutes each, with the following exceptions: Senator CRAPO, or his designee, 10:30 a.m. to 10:45 a.m.; Senator TIM HUTCHINSON, 10:45 a.m. to 11 a.m.; Senator BOB SMITH, or his designee, 11 a.m. to 11:30 a.m.; Senator HARRY REID, 20 minutes; Senator DODD, or his designee, 30 minutes; and Senator CONRAD, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I further ask unanimous consent that at 12:30 p.m. the Senate remain in morning business with regard to the marriage tax penalty until 2 p.m., with the time equally divided between the two leaders, or their designees, and the Senate then proceed to the cloture vote with regard to the amendment to H.R. 6 at 2 p.m., with the mandatory quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of New Hampshire. On behalf of the leader, I further announce, tomorrow morning there will be an opportunity in morning business for Senators to make general statements and for bill introductions until 12:30 p.m.

Following general morning business, Senators will begin statements with regard to the marriage tax penalty issue during a morning business period. By previous consent, at 2 p.m. there will be a cloture vote on the pending amendment to that important legislation.

It was hoped that an agreement would be reached to complete this measure after the Senate considered relevant amendments. Unfortunately, a consent could not be granted and, therefore, the 2 p.m. cloture vote is necessary. If cloture is not invoked on the substitute, there will be a second cloture vote on the underlying measure. Therefore, a second cloture vote may occur.

With April 15 fast approaching, this issue is of the utmost importance to many married couples and, therefore, it is essential that we vote tomorrow on moving forward with the bill.

Following the cloture votes, the Senate is expected to consider the budget resolution conference report. Therefore, additional votes will occur tomorrow afternoon.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. SMITH of New Hampshire. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Thursday, April 13, 2000, at 10:30 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000, H.R. 4250

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. LAFALCE. Mr. Speaker, I am pleased to be joined this morning by my friend and Senate colleague, Senator PAUL SARBANES of Maryland, in introducing legislation to address the problem of abusive practices in high-cost mortgage refinancings, home equity loans and home repair loans.

I would also like to take this opportunity to introduce a number of the representatives of national consumer, senior citizen, community and civil rights organizations that are with us today. Many have worked with us since we completed work on Financial Modernization last Fall to develop this legislation.

The problem of so-called ''predatory'' lending has reached near epidemic proportions in recent years, robbing millions of American households of the equity in their homes and undermining the economic vitality of our neighborhoods.

Our legislation, the ''Predatory Lending Consumer Protection Act,'' responds to widespread evidence that so-called ''subprime''—or high cost—lenders are systematically targeting homeowners with low incomes or damaged credit histories (subprime borrowers). These offers seek to trap borrowers in unaffordable debt, strip the equity from their home and, too often, put the home in foreclosure. ''Predatory'' loans tend to have a number of abusive practices in common: interest rates far above conventional loan rates; excessive fees and points, often hidden in the mortgage financing; up-front payment of credit insurance; balloon payments; frequent refinancings; huge prepayment penalties; arbitrary call provisions, and other practices.

Predatory lending is somewhat akin to Justice Brennan's definition of ''pornography'': it might be difficult to define, but you certainly know it when you see it. In my own district, for example, there is Florence McKnight, a 84-year-old Rochester widow who, while heavily sedated in a hospital bed, signed a $50,000 loan secured by her home for only $10,000 in new widows and other home repairs. Under the loan she would have to pay over $72,000 over 15 years, and still face a balloon payment of $40,000. Mrs. McKnight's home is now in foreclosure.

There are many more examples. These include, for example—

The West Virginia widow who had her mortgage refinanced seven times within 15 months, only to lose it in foreclosure.

The disabled Portland, Oregon woman who was charged more than 30 percent of the amount of her mortgage financing in fees and credit life insurance.

The 68-year-old Chicago woman whose mortgage was refinanced three times in 5 years and ended up with monthly payments that exceed her income.

These are not isolated examples. The problem of predatory lending has been the focus of recent statements by all the federal financial regulators. Comptroller of the Currency, Gerry Hawke; Director of the Office of Thrift Supervision, Ellen Seidman and the Chair of the Federal Deposit Insurance Corporation, Donna Tanoue, have all denounced these practices.

Two weeks ago, Federal Reserve Board Alan Greenspan announce a task force to address predatory lending. Last week, HUD Secretary Cuomo organized working groups to come up with recommendations. Yesterday, Fannie Mae announced its own guidelines to exclude purchases of predatory loans, with Fannie's Chairman and CEO, Frank Rains, issuing a statement today supporting the need for legislation. Also today, Treasury Secretary Summers has issued a statement indicating his concerns about this problem and supporting our efforts.

What exactly does our legislation do? Very briefly, the bill expands and fills the gaps in the 1994 Home Ownership and Equity Protection Act (HOEPA) that Congress enacted in response to the initial wave of abusive home equity loans ten years ago. HOEPA established an important framework for combating predatory practices, but it did not go far enough. The legislation strengthens and expands HOEPA protections in a number of ways:

It lowers HOEPA's interest rate and total fee ''triggers'' to extend needed protections to greater numbers of high cost mortgage refinancings, home equity loans and home improvement loans.

It expands HOEPA to restrict practices that facilitate mortgage ''flipping'' and equity ''stripping''—restricting the financing of fees and points, prepayment penalties, single-premium credit insurance, balloon payments and call provisions.

It prevents lenders from making loans without regard to the borrower's ability to repay the debt, encourages credit and debt counseling and requires new consumer warnings on the risks of high-cost secured borrowing.

It encourages stronger enforcement of consumer protections by strengthening civil remedies and rescission rights and increasing statutory penalties for violations.

The bill deals directly, and I believe effectively, with the primary abuses that encourage and facilitate such predatory practices as loan ''flipping'' and equity ''stripping.'' By restricting the tools that make these practices profitable, and by enhancing private remedies and civil penalties to deter violations, we can prevent the American dream of home ownership from becoming a nightmare at the hands of predatory lenders.

CONGRATULATIONS TO THE LAKE OF THE OZARKS SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) CHAPTER FOR HAVING BEEN NAMED THE NATIONAL SCORE CHAPTER OF THE YEAR, 2000

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. SKELTON. Mr. Speaker, I was recently informed by the Administrator of the Small Business Administration that the Lake of the Ozarks SCORE Chapter has been selected the National SCORE Chapter of the Year.

As you know, SCORE is a nonprofit association dedicated to entrepreneur education and the formation, growth, and success of small businesses throughout this country. SCORE, which is a resource partner with the Small Business Administration, has thousands of volunteers in 389 chapters who serve as ''Counselors to America's Small Business.'' Working and retired executives and business owners in local SCORE chapters, like the one at the Lake of the Ozarks, donate their time and expertise as volunteer business counselors and provide confidential counseling and mentoring free of charge. SCORE, which was founded in 1964, assists approximately 300,000 entrepreneurs annually.

Each year, the SCORE Chapter of the Year is honored during Small Business Week, which this year is May 21–26, 2000. I know that my colleagues in the House will be pleased to join me in recognizing the outstanding work of the men and women who volunteer their time to this year's SCORE Chapter of the Year—the Lake of the Ozarks Service Corps of Retired Executives.

CARL SITTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. MCINNIS. Mr. Speaker, I wanted to ask that we all pause a moment to remember a true American hero, Mr. Carl Sitter. Though he is gone, he will live on in the hearts of all who knew him and be remembered for long years by many who didn't.

During the Koren War, Sitter fought for our country while he served in the Marine Corps. His relentless effort and valiant leadership led to a succesful defeat of the Korean Army. Mr. Sitter's bravery as a Captain in the Korean War led to him becoming the first of Pueblo's four Medal of Honor recipients. Despite grenade burns to his face, arms and chest, Mr. Sitter kept his position during the two day battle at Hagaru-Ki, in November 1950.

As you can see, Mr. Speaker, Mr. Sitter was a model American, embodying patriotism, strength, gentleness and service throughout his lifetime. Carl will be missed by all of us. Hopefully, we can learn from the example that Carl Sitter has set.

CONGRATULATING ASSEMBLYMAN JOHN ROONEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. ROUKEMA. Mr. Speaker, today I congratulate New Jersey State Assemblyman John E. Rooney on receiving the New Jersey Conference of Mayors' prestigious Legislator Award. Assemblyman Rooney is one of the most outstanding and respected members of our State Legislature. He is a trusted friend and advisor whose counsel I value greatly. This award recognizes the landmark work he has done in the New Jersey Assembly, particularly initiatives he has sponsored that have helped hold down municipal property taxes.

Assemblyman Rooney's dedicated career in public service began in 1976, when he was elected councilman in his hometown of Northvale. In 1979 he became the borough's first Republican mayor in a quarter century—serving and subsequently brought about the first Republican majority on the Borough Council in more than a decade. He was elected to the State Assembly in 1983 and has been re-elected every two years since then.

As an assemblyman, he has authored a number of landmark bills, including the legislation that established the Division of Developmental Disabilities and the law giving firefighters the right to know the location of toxic materials at industrial sites. He also sponsored the constitutional amendment eliminating expensive special elections, instead allowing county political committees to fill legislative vacancies. His work in challenging the state's authority over solid waste disposal has saved municipalities millions of dollars and, in turn, helped control property taxes.

Born in Brooklyn, New York, Assemblyman Rooney first came to New Jersey to attend Rutgers University, where he graduated magna cum laude with a degree in business management. He also holds a master's degree in marketing from Rutgers, masters in political science and history from the University of Maryland, and a degree in language from Syracuse University. He served in the Air Force as a Russian linguist, where he won commendations from the National Security Agency for outstanding intelligence work. He has made his professional career as a sales executive in the electrical motor and control industry.

Active in government, professional and civic organizations, Assemblyman Rooney has been a member of the New Jersey Conference of Mayors, the American Legion, Vietnam Veterans for America, Elks, the Water Pollution Control Federation and the American Management Association. He is a former chairman of the Northern Valley Community Development Program, a former president of the Northern Valley Mayors' Association, and a commissioner of the Bergen County Utilities Authority.

Assemblyman Rooney and his wife, Martha, have two adult children, Beth and Patrick. His family has always been supportive, and made it possible for Assemblyman Rooney to serve in this distinguished way.

I ask my colleagues in the House of Representatives to join me in congratulating this outstanding public servant, who has helped improve the lives not only of his hometown as Councilman and Mayor but the entire State of New Jersey as a leading legislator. He most certainly has made his community and the State of New Jersey a better place to work, own a home and raise a family.

HONORING THE ITALIAN AMERICAN WAR VETERANS POST #26

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KLINK. Mr. Speaker, today I recognize the Italian American War Veterans Post #26 of western Pennsylvania and its past commanders for their efforts in honoring our war heroes. Through picnics and other social functions, these distinguished individuals have helped many veterans remain connected to their colleagues in the New Castle area. They honor our fallen veterans by placing flags on their graves on memorial Day, and they help our veterans by donating their time and resources to the Hospice of New Castle Hospital. By serving as department commanders and in state and national offices, the Italian American War Veterans have proven their commitment to improving the lives of their fellow veterans.

I would especially like to recognize the past commanders of the Italian American War Veterans Post #26. Without their hard work and leadership, many of these accomplishments would not have been possible: Ben Rizzo, Fred Mancini, Frank Minice, P.D.C., Carl Cialella, John Russo, Jr., Frank Bonfield, P.D.C., Richard Veri, and Anthony Toscano.

Once again, I ask my colleagues to join me in recognizing the members of the Italian American War Veterans Post #26 for their dedication to our nation's veterans. Because of their efforts, these great Americans will never be forgotten.

TRIBUTE TO RETIRING COACH DELBERT BEST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that Delbert Best will retire as the athletic director and track coach on June 30, 2000, after 25 years of coaching and teaching at Wellington-Napoleon High School in Missouri.

Delbert grew up in my hometown of Lexington, Missouri, and graduated from high school in 1966. Shortly after graduation, he joined the Marines and served a tour in Vietnam during his three years on active duty. In 1969 he returned to civilian life and enrolled at Central Missouri State University at Warrensburg where he also was a member of the track team. He graduated in 1974 with a bachelor's degree in education. After completing his student teaching at Odessa High School, Delbert worked for the local water company in Lexington while waiting for a permanent teaching position to become available.

In January 1975, Delbert took a job teaching science in the Wellington-Napoleon School District. That spring, he began his association with the varsity high school track team as their assistant coach. He was named head coach the next year and the school won its first I–70 Conference boys track meet and the school's first district track championship the year after that. He coached the boy's track team to the state championships in 1985, 1987 and 1991. They took second place in 1986 and 1987, and third place in 1993 and 1996. The girls' track teams took second at the state championships in 1992 and third in 1993.

Delbert has been honored for his commitment to coaching many times. He was named the State 1A Boys Track Coach of the Year eight times and the State 1A Girls Track Coach of the Year three times. In 1994, he was recognized as the Region 5 National Boys Track Coach of the Year, which included not only Missouri, but six other midwestern states. In 1998, Delbert was inducted into the Missouri Track and Cross Country Coaches Association Hall of Fame during ceremonies at Columbia.

Mr. Speaker, Delbert Best has dedicated 25 years to teaching and motivating talented young people. I wish him and his family all the best in the days ahead, and I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

JOE CARPENTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a great man, Mr. Joe Carpenter. On April 13, 2000, Mr. Carpenter will be retiring from his position as the Garfield/Pitkin County Veteran. He has been an asset to both Colorado and our great nation.

In 1942, Mr. Carpenter was drafted into the military. After the completion of basic training his company was sent to the South Pacific, however, due to bad vision, Joe was not able to fulfill his dream of coming face to face with the enemy, and had to stay behind. He was then assigned to ordnance and with special training became an Ordnance NCO. There, Joe handled tons of ammunition and explosives and loaded weaponry on aircraft.

In 1999, on the anniversary of Pearl Harbor Day, at the Normandy celebration that I held, he was instrumental in locating those Normandy Veterans who received recognition. He is a model American that embodies patriotism, strength and service to his country. Hopefully we can learn from the example of Joe Carpenter and will try to be a little more like him.

BUSINESS CHECKING MODERNIZATION ACT

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 4067, the Business Checking Modernization Act.

I agree that repealing the prohibition on paying interest on business checking is clearly the right public policy. This prohibition—which is anti-small business—is a relic of Depression era banking laws. This legislation has been in bills which I've introduced and worked on in both the 105th and 106th Congresses. Both the NFIB and U.S. Chamber support repeal as well as most of the banking industry—the American Bankers Association, America's Community Bankers and others. The real question is—and continues to be—what is the appropriate time frame for repeal.

Mr. LEACH, I appreciate your willingness to accommodate me in this regard. As introduced, H.R. 4067 provided a 1 year transition period, which I believe was just too short for many of our small bankers to adjust to. While some members have argued for a 6 year transition period I don't believe that long a period is warranted. The 3 year period which is in H.R. 4067 is fair. This period of time will permit banks and thrifts to rework their arrangements with business customers so that no one is significantly disadvantaged.

In addition, I'd like to thank you for including a provision in the bill which immediately permits banks and thrifts to provide their business customers with up to 24 sweep transactions a month. Adding this provision provides flexibility which will assist both banks and their customers. Again, it is similar to a provision from my Regulatory Burden Relief bills from both the 105th and 106th Congresses. The provision would permit banks and thrifts to sweep idle cash out of a corporate checking account each business day in a month. It is both appropriate and helpful.

The Business Checking Modernization Act is a good bill. It strikes a reasonable balance between the interests of small banks and small businesses. I encourage my colleagues to strongly support this excellent piece of legislation.

HONORING HAZEL L. UNDERWOOD'S 16 YEARS OF SERVICE AS EXECUTIVE DIRECTOR OF THE JESSAMINE COUNTY CHAMBER OF COMMERCE

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FLETCHER. Mr. Speaker, it's an honor to speak today on behalf of a dear friend and active civic leader in the 6th Congressional District of Kentucky. For 16 years, Hazel L. Underwood, has been the Executive Director of the Jessamine County Chamber of Commerce. Hazel is a caring lady, who has worked hard to ensure that Jessamine County is and always will be a wonderful place to live, work and raise a family. There is no doubt in my mind, or the minds of the folks who live in Jessamine County, that today the community is a better place due to Hazel's hard work and dedication.

Within our many communities, there exist organizations and civic groups that provide invaluable services and activities for its citizens. The leaders of these organizations dedicate countless hours of service to ensure that the organization is well represented and accomplishing all that it can within our communities. Hazel has been this kind of Executive Director and she has achieved all of her organizational goals in a courteous, respectful manner that will be remembered by the Jessamine County Chamber and community for many, many years to come.

I salute Hazel for her years of dedicated service to the Jessamine County Chamber of Commerce. She has been the kind of leader that every organization wishes for—a leader who knows how to get things done right and work continuously to assure all aspects of every situation are covered. Hazel, thanks for your many years of dedicated service, remarkable accomplishments and many successes.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

SPEECH OF

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. KLINK. Mr. Speaker, I am in support of H.R. 2884, reauthorizing the Energy Policy and Conservation Act, and the President's authority to draw down the Strategic Petroleum Reserve. The reserve contains 570 million barrels of oil to be used in a national emergency and it is critical that the Senate pass H.R. 2884 and that the President sign it into law as quickly as possible.

I am pleased that it establishes a ''Northeast Home Heating Oil Reserve.'' This will help everyone, including people in Pennsylvania, persons paying home heating oil bills, diesel truck drivers, farmers who must operate tractors, and drivers of regular cars. If we have an emergency or severe winter weather, 2 million barrels of oil will be available on reserve and diesel fuel will not be confiscated to use as home heating oil. This will keep prices down for home owners, especially senior citizens and the poor, and for drivers of cars, trucks, and for farmers driving tractors.

Along with helping Pennsylvania, the Northeast Home Heating Oil Reserve will be available for Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York and New Jersey.

It is my hope that, with this reserve, our constituents will not have to suffer high payments for home heating oil and gasoline as they did this past winter. For example, a constituent in Pennsylvania, Jim Luchini of Kirk Trucking in Delmont, Pennsylvania, sent me figures back in January, showing that prices at the diesel fuel pumps increased in some places by 10 cents in 24 hours. For home heating oil, it was especially painful for our constituents who are senior citizens, or who are poor, to have paid over $2.00 a gallon. None of our constituents should have to make a choice between heating their homes or buying food or medicine.

On March 21, 2000 I introduced H. Con. Res. 291, asking that the President draw down the Strategic Petroleum Reserve if the OPEC nations did not decide to increase production so as to bring prices down. I was pleased that OPEC did agree to increase production and bring relief to our nation. I want to thank several of my colleagues from Pennsylvania for co-sponsoring H. Con. Res. 291: Mr. MURTHA, Mr. ROBERT BRADY, Mr. HOLDEN, Mr. MASCARA, and Mr. COYNE. I would further like to thank my colleagues from Maryland and several New England states, Mr. WYNN, Mr. BALDACCI, Mr. OLVER, Mr. SANDERS, Mr. GEJDENSON, Mr. WEYGAND, Mr. KENNEDY, and Mr. MALONEY for co-sponsoring the resolution.

But relying on OPEC is inadequate. H. Con. Res. 291 also asked that the President and Secretary of Energy should prepare for future threats to the economy and the energy supply of the United States by developing methods to increase the quantity of crude oil in the Strategic Petroleum Reserve in an economically reasonable manner, and maximize the use of domestic energy resources.

We need to establish a sound energy policy in this country, so that we do not have to rely on OPEC: an efficient manner of oil production, clean coal technology, since coal is so abundant in Pennsylvania and many other states across the nation, and we must give a sincere effort to establishing renewable energy as a source of fuels. As a member of the Renewable Energy Caucus, I have worked to increase appropriations to fund renewable energy research and development programs—solar, wind, biomass, hydrogen, geothermal, and hydropower.

In order to meet the most immediate needs of our constituents in alleviating the high prices they pay to heat their home and fuel their vehicles, the Northeast Home Heating Oil Reserve is a first step in the right direction, and I urge that the Senate pass it as quickly as possible.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

April 11, 2000:

Rollcall vote 116, on the motion to suspend the rules and pass H.R. 4163, the Taxpayer Bill of Rights, I would have voted ''yea.''

Rollcall vote 117, on the motion to suspend the rules and pass H. Res. 467, expressing the sense of the House of Representatives that the tax and user fee increases proposed by the Administration in the FY 2001 budget should be adopted, I would have voted ''nay.''

Rollcall vote 118, on the motion to instruct Conferees to H.R. 1501, the Juvenile Justice Reform Act, I would have voted ''yea.''

CONGRATULATIONS TO VICE ADMIRAL ROBERT J. NATTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that Vice Admiral Robert Natter will receive the Distinguished Graduate Leadership Award from the United States Naval War College on May 1, 2000.

The Distinguished Graduate Leadership Award is presented to a former student of the Naval War College whose accomplishments as a military leader and outstanding service in the national interest have brought honor to his country, the Armed Services and the Naval War College.

Vice Admiral Natter enlisted in the Naval Reserve at the age of 17 as a Seaman Recruit. Following one year of reserve enlisted service and four years at the United States Naval Academy, he graduated and was commissioned in June 1967.

Vice Admiral Natter's service at sea included department head tours in a Coastal Minesweeper and Frigate and Executive Officer tours in two Amphibious Tank Landing Ships and a Spruance Destroyer. He was Officer in Charge of a Naval Special Warfare detachment in Vietnam and commanded U.S.S. *Chandler* (DDG996), U.S.S. *Antietam* (CG 54) and the United States 7th Fleet.

His shore assignments included Company Officer and later Flag Secretary to the Superintendent at the Naval Academy; Executive Assistant to the Director of Naval Warfare in the Office of the Chief of Naval Operations; staff member for the House Armed Services Committee of the 100th Congress of the United States; Executive Assistant to the Commander in Chief, U.S. Pacific Fleet; Executive Assistant to the Vice Chairman, Joint Chiefs of Staff, during Operation Desert Storm; Assistant Chief of Naval Personnel for officer and enlisted personnel assignments; Chief of the Navy's Legislative Affairs organization; and the Chief of Naval Operations' Director for Space, Information Warfare, Command and Control. Vice Admiral Natter currently is the Deputy Chief of Naval Operations for Plans, Policy and Operations.

His personal decorations include the Silver Star, two awards of the Distinguished Service Medal, Defense Superior Service Medal, five awards of the Legion of Merit, Bronze Star Medal with Combat V, Purple Heart, two awards of the Meritorious Service Medal, Navy Commendation Medal with Combat V, Navy Achievement Medal with Combat V, and various unit and campaign awards.

Mr. Speaker, I wish to extend my congratulations to Vice Admiral Natter for this most deserved award. His life is an example to all Americans, most particularly students—past, present and future—of the United States Naval War College.

IN RECOGNITION OF CYBERANGELS

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, I rise before you today to recognize an outstanding organization that is aggressively fighting crimes against children on the Internet.

Tragically, in increasing numbers, our children are being exploited over the Internet. Everyday, pedophiles are contacting our children via the Internet in those places where we want to believe they are most secure—in our homes, our schools, and our libraries. Our law enforcement agencies, both local and federal, are working overtime to apprehend these cybermolesters. And, now they are receiving help from an unexpected source—citizen volunteers organized through a group called Cyberangels.

Cyberangels is an exemplary, New Jersey-based Internet safety group that helps to keep our children safe while they use the Internet. Cyberangels is well-known for their advice on child Internet safety, but recently they have taken a more active role in combating Internet crimes against children through their cybersleuthing—tracing individuals over the Internet. This noble group of volunteers has already reunited three families with their children who were victims of cybermolesters.

Most recently these volunteers aided the family of a 13-year-old girl in the town Fanwood, New Jersey, a town in my Congressional District. This young girl left her home to meet an 18-year-old man that she met on the Internet. Through the technical sleuth work of Cyberangels—tracking the man through his E-mail address—the girl and her family were reunited in little more than a day.

Cyberangels sets an excellent example of how private citizens and law enforcement agencies can work together to reduce Internet crimes. It is my hope that Congress will soon do their part in protecting our children by enacting legislation to filter harmful material out of schools and libraries and ensure that cybermolesters receive the punishment they deserve.

In the meantime, Mr. Speaker I hope that you will join me in commending Cyberangels for their superb efforts to keep our children safe while they roam the vast resources on the Web. I also encourage everyone to visit Cyberangels on the web at www.cyberangels.com.

HONORING DR. EDWARD S. ORZAC

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, today I honor one of the most outstanding doctors on Long Island, Dr. Edward S. Orzac. In 1941, Dr. Orzac graduated from the University of Virginia Medical School and interned at Wilkes-Barre General Hospital in Pennsylvania. Shortly after his internship, Dr. Orzac served his country in the United States Army. They assigned him to a combat infantry division during World War II.

After the war, Dr. Orzac finished his residency and postgraduate education at Morrisania City Hospital and New York University Bellevue Graduate School of Medicine. From 1947 until 1948, Dr. Orzac was the chief resident at Morrisania City Hospital. When he completed his residency, Dr. Orzac established and ran a private practice from 1948 until 1981.

Though Dr. Orzac's private practice kept him busy, he served on many professional boards and had many professional fellowships. Between the boards and fellowships, he also had various hospital assignments. Furthermore, he taught at a variety of universities that include New York University School of Medicine, NYU Graduate School of Medicine, State University New York at Stony Brook Medical School, Adelphi University and St. John's University. Dr. Orzac still teachers at SUNY Stony Brook, Adelphi and St. John's.

Dr. Orzac's talents, however, are not limited to practicing medicine and to teaching. He writes, raises money for many Jewish causes and organizations, participates in the Boy Scouts of America, is a trustee, a founder, a visiting specialist, to name a few. In the midst of these pursuits, Dr. Orzac received a bachelor's degree in history and a master's degree in Asian Studies.

Throughout his life, Dr. Orzac's work has been recognized and rewarded. The Army bestowed the first of many medals, honors and awards. The City of Chicago, a Chicago law school, a college, the United Jewish Appeal, the Long Island Otolaryngological and Maxillofacial Society and the Boy Scouts of America join the long list of organizations that have honored Dr. Orzac's incredible talents. But his acclaim reaches beyond the United States. Afghanistan, India and Indonesia have honored Dr. Orzac's unfailing contributions and selfless devotion in providing medical services to their countries.

Standing with him through these years is Beatrice, his wife, and their three children, Carolyn, Virginia and Elizabeth. They gave him the nurturing and caring support for such a long and distinguished career. If a tree's roots provide life-giving support, then Dr. Orzac's family are his roots.

Dr. Orzac, thank you for the tireless work, endless hours, countless patients, lost sleep. Long Island has immeasurably benefitted from your talents and care. We hold you in highest esteem and use your community service as a model to follow.

TRIBUTE TO FRANK S. PRIESTLEY

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today to pay special tribute to Frank Priestley, President of the Idaho Farm Bureau Federation and the Farm Bureau Insurance Companies of Idaho, who was recently elected to the American Farm Bureau Federation's Board of Directors. This is a tremendous honor, especially since this is the first time in nearly three years that an Idahoan has served on this prestigious board.

Mr. Speaker, Frank began his illustrious career when he started his own hay bailing business at the age of 14. Through his vision and entrepreneurial spirit he was able to establish a successful family farm operation. He and his wife, Susan, today run a heifer replacement operation and grow alfalfa, corn and barely in southeastern Idaho.

When Frank is not busy on the farm, he, Susan and their 6 children attend church and actively participate in youth group activities. Clearly, we are fortunate to have someone like Frank serve the people of Idaho, and I personally want to wish him a heartfelt thanks for his dedicated service.

HONORING GREEK INDEPENDENCE DAY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. STABENOW. Mr. Speaker, I rise today to honor the 179th Greek Independence Day. On March 25, 1821, the Greek people started a battle that would lead to independence after more than 400 years of Ottoman rule.

Fortunately, Greek culture survived the Ottomans. Greek civilization inspired the framers of our constitution. The Greek political tradition had profound influence on our founding fathers and helped shape America's political foundation. The pursuit of freedom is just one of the many ideals which have historically bound us together.

Greek-Americans have made such a enormous contribution to American culture and American life. Today, Greek culture flourishes in America—in places like Detroit, Michigan and elsewhere in the Great Lakes States.

As a member of the Congressional Caucus on Hellenic Issues, I want to take this opportunity to salute the Greek people on their historic achievement. Greece is a dedicated U.S. ally.

I congratulate Greece for 179 years of independent rule and for a legacy that will last forever. My fellow colleagues, please join me in honoring Greek Independence Day.

HONORING THE LEXINGTON LIONS CLUB FOR 79 YEARS OF SERVICE TO THE COMMUNITY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FLETCHER. Mr. Speaker, I acknowledge the accomplishments of an outstanding organization within the community of Lexington, Kentucky. With a motto of ''We Serve'', the Lexington Lions Club has been serving folks in the Lexington community for the past 79 years.

Its members always give freely of their time and labor to serve our nation, our state and local community. Their dedication to the ideals of service and high standards promotes good citizenship and the welfare of our neighborhoods. The members of the Lexington Lions have worked tirelessly to produce positive change and as a result, their efforts have helped many over the years.

I believe their hard work and dedication is obvious, as the Lexington Lions Club will come together on Friday, April 28, 2000 to celebrate its ''Million Dollar Decade''. Since 1990, this organization has worked to raise the necessary funds to serve the needs of our community. Their efforts to prevent blindness and their dedication to serving young people have touched and improved the lives of so many—I salute this remarkable organization for its many achievements, accomplishments and years of dedicated service.

Mr. Speaker, today I recognize an outstanding organization that has made so many contributions throughout its 79 years of service. It is an honor to share with my colleagues and the American people how the Lexington Lions Club has constantly given to make Lexington and Kentucky a better place.

IN SUPPORT OF METHAMPHETAMINES LEGISLATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. BONO. Mr. Speaker, it is time to declare war against methamphetamines. Meth is a powerful and dangerous drug that harms innocent families and ruins neighborhoods and communities.

This dangerous drug is a threat to our society and our prosperity and it is time we take responsibility for solving this problem.

I rise to support Congressman CALVERT's legislation that will ensure that law enforcement officials are fully equipped with the resources to battle this destructive drug.

Meth has become the drug of choice in California and in my district. Worse, it is easy to manufacture and acquire. In fact, in Fiscal Year 1999, there were over 700 meth labs seized in Riverside and San Bernardino counties alone at a cost of $1.3 million dollars to taxpayers.

Many anti-government forces believe that the war on drugs is a failure and that we should stop the fight. As a concerned parent, I strongly believe that it is our responsibility to not run and hide, but rather to step up to the plate and increase our commitment to the war against drugs. This legislation represents this continued commitment.

HONORING TORRANCE CITY COUNCIL MEMBERS HARVEY HORWICH, DON LEE, AND MAUREEN O'DONNELL

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor three distinguished individuals from the City of Torrance, Council members Harvey Horwich, Don Lee, and Maureen O'Donnell. Today they are being honored for their service to the community as their tenure on the City Council comes to an end.

All three individuals have exhibited a strong commitment to the local community. They have extensively volunteered their time for the betterment of the community. I commend their selfless contributions to the City of Torrance.

Councilman Horwich has been an active volunteer in the community for over 20 years. He has been involved with the Torrance Civic Center Authority, the Parks and Recreation Commission, and the Planning Commission. A local small businessman, Harvey was appointed to the City Council in November of 1998.

A lifelong resident of the South Bay, Councilman Lee was first elected to the City Council in 1992. Prior to his service on the Council, Don Lee was a Planning Commissioner and a Parks and Recreation Commissioner for the City of Torrance. He is actively involved in the Torrance Rotary Club, YMCA, and Chamber of Commerce.

Councilwoman O'Donnell is a standout educator, teacher of American government and U.S. History at Gardena High School. She has been active in local politics and served on the Torrance Human Resources commission prior to her election to the City Council in 1992. She was selected as the Torrance YWCA Woman of the Year in 1994, and has been involved with the Torrance Historical Society, YWCA, and the Salvation Army.

Council members Horwich, Lee, and O'Donnell have been invaluable members of the Torrance community. On behalf of the City of Torrance, I thank you for your service. You have served the Torrance community with respect and honor.

INTRODUCTION OF THE CYBER SECURITY INFORMATION ACT OF 2000

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I am pleased to rise today to introduce legislation with my good friend and colleague from northern Virginia, Representative JIM LORAN, that will facilitate the protection of our nation's critical infrastructure from cyber threats. In the 104th Congress, we called upon the Administration to study our nation's critical infrastructure vulnerabilities and to identify solutions to address these vulnerabilities. The Administration has, through the President and participating agencies, identified a number of steps that must be taken in order to eliminate the potential for significant damage to our critical infrastructure. Foremost among these suggestions is the need to ensure coordination between the public and private sector representatives of critical infrastructure. The bill I am introducing today is the first step in encouraging private sector cooperation and participation with the government to accomplish this objective.

The critical infrastructure of the United States is largely owned and operated by the private sector. Critical infrastructures are those systems that are essential to the minimum operations of the economy and government. Our critical infrastructure is comprised of the financial services, telecommunications, information technology, transportation, water systems, emergency services, electric power, gas and oil sectors in private industry as well as our

National Defense, and Law Enforcement and International Security sectors within the government. Traditionally, these sectors operated largely independently of one another and coordinated with government to protect themselves against threats posed by traditional warfare. Today, these sectors must learn how to protect themselves against unconventional threats such as terrorist attacks, and cyber attack. These sectors must also recognize the vulnerabilities they may face because of the tremendous technological progress we have made. As we learned when planning for the challenges presented by the Year 2000 rollover, many of our computer systems and networks are now interconnected and communicate with many other systems. With the many advances in information technology, many of our critical infrastructure sectors are linked to one another and face increased vulnerability to cyber threats. Technology interconnectivity increases the risk that problems affecting one system will also affect other connected systems. Computer networks can provide pathways among systems to gain unauthorized access to data and operations from outside locations if they are not carefully monitored and protected.

A cyber threat could quickly shutdown any one of our critical infrastructures and potentially cripple several sectors at one time. Nations around the world, including the United States, are currently training their military and intelligence personnel to carry out cyber attacks against other nations to quickly and efficiently cripple a nation's daily operations. cyber attacks have moved beyond the mischievous teenager and are being learned and used by terrorist organizations as the latest weapon in a nation's arsenal. In June 1998 and February 1999, the Director of the Central Intelligence Agency testified before Congress that several nations recognize that cyber attacks against civilian computer systems represent the most viable option for leveling the playing field in an armed crisis against the United States. The Director also stated that several terrorist organizations believed information warfare to be a low cost opportunity to support their causes. Both Presidential Decision Directive 63 (PDD–63) issued in May 1998, and the President's National Plan for Information Systems Protection, Version 1.0 issued in January 2000, call on the legislative branch to build the necessary framework to encourage information sharing to address cyber security threats to our nation's privately held critical infrastructure.

Recently, we have learned the inconveniences that may be caused by a cyber attack or unforeseen circumstance. Earlier this year, many of our most popular sites such as Yahoo, eBay and Amazon.com were shutdown for several hours at a time over several days by a team of hackers interested in demonstrating their capability to disrupt service. While we may have found the shutdown of these sites temporarily inconvenient, they potentially cost those companies significant amounts of lost revenue, and it is not too difficult to imagine what would have occurred if the attacks had been focused on our utilities, or emergency services industries. We, as a society, have grown increasingly dependent on our infrastructure providers. I am sure many of you recall when PanAmSat's Galaxy IV satellite's on-board controller lost service. An estimated 80 to 90% of our nation's pagers were inoperable, and hospitals had difficulty reaching doctors on call and emergency workers. It even impeded the ability of consumers to use credit cards to pay for their gas at the pump.

Moreover, recent studies have demonstrated that the incidence of cyber security threats to both the government and the private sector are only increasing. According to an October 1999 report issued by the General Accounting Office (GAO), the number of reported computer security incidents handled by Carnegie-Mellon University's CERT Coordination Center has increased from 1,334 in 1993 to 4,398 during the first two quarters of 1999. Additionally, the Computer Security Institute reported an increased in attacks for the third year in a row based on responses to their annual survey on computer security. GAO has done a number of reports that give Congress an accurate picture of the risk facing federal agencies; they cannot track such information for the private sector. We must rely on the private sector to share its vulnerabilities with the federal government so that all of our critical infrastructures are protected.

Today, I am introducing legislation that gives critical infrastructure industries the assurances they need in order to confidently share information with the federal government. As we learned with the Y2K model, government and industry can work in partnership to produce the best outcome for the American people. The President has called for the creation of Information Sharing and Analysis Centers (ISACs) for each critical infrastructure sector that will be headed by the appropriate federal agency or entity, and a member from its private sector counterpart. For instance, the Department of Treasury is running the first ISAC for the financial services industry in partnership with Citigroup. Many in the private sector have expressed strong support for this model but have also expressed concerns about voluntarily sharing information with the government and the unintended consequences they could face for acting in good faith. Specifically, there has been concern that industry could potentially face antitrust violations for sharing information with other industry partners, have their shared information be subject to the Freedom of Information Act, or face potential liability concerns for information shared in good faith. My bill will address all three of these concerns. The Cyber Security Information Act also respects the privacy rights of consumers and critical infrastructure operators. Consumers and operators will have the confidence they need to know that information will be handled accurately, confidentially, and reliably.

The Cyber Security Information Act of 2000 is closely modeled after the successful Year 2000 Information and Readiness Disclosure Act by providing a limited FOIA exemption, civil litigation protection for shared information, and an antitrust exemption for information shared within an ISAC. These three protections have been previously cited by the Administration as necessary legislative remedies in Version 1.0 of the National Plan and PDD–63. This legislation will enable the ISACs to move forward without fear from industry so that government and industry may enjoy the mutually cooperative partnership called for in PDD–63. This will also allow us to get a timely and accurate assessment of the vulnerabilities of each sector to cyber attacks and allow for the formulation of proposals to eliminate these vulnerabilities without increasing government regulation, or expanding unfunded federal mandates on the private sector.

PDD–63 calls upon the government to put in place a critical infrastructure proposal that will allow for three tasks to be accomplished by 2003:

(1) The Federal Government must be able to perform essential national security missions and to ensure the general public health and safety;

(2) State and local governments must be able to maintain order and to deliver minimum essential public services; and

(3) The private sector must be able to ensure the orderly functioning of the economy and the delivery of essential telecommunications, energy, financial, and transportation services. This legislation will allow the private sector to meet this deadline.

We will also ensure the ISACs can move forward to accomplish their missions by developing the necessary technical expertise to establish baseline statistics and patterns within the various infrastructures, become a clearinghouse for information within and among the various sectors, and provide a repository of valuable information that may be used by the private sector. As technology continues to rapidly improve industry efficiency and operations, so will the risks posed by vulnerabilities and threats to our infrastructure. We must create a framework that will allow our protective measures to adapt and be updated quickly.

It is my hope that we will be able to move forward quickly with this legislation and that Congress and the Administration can move forward in partnership to provide industry and government with the tools for meeting this challenge. A Congressional Research Service report on the ISAC proposal describes the information sharing model one of the most crucial pieces for success in protecting our critical infrastructure, yet one of the hardest pieces to realize. With the introduction of the Cyber Security Information Act of 2000, we are removing the primary barrier to information sharing between government and industry. This is landmark legislation that will be replicated around the globe by other nations as they too try to address threats to their critical infrastructure.

Mr. Speaker, I believe that the Cyber Security Information Act of 2000 will help us address critical infrastructure cyber threats with the same level of success we achieved in addressing the Year 2000 problem. With government and industry cooperation, the seamless delivery of services and the protection or our nation's economy and well-being will continue without interruption just as the delivery of services continued on January 1, 2000.

COMMEMORATING THE DAY OF HONOR 2000 FOR AMERICA'S MINORITY VETERANS OF WORLD WAR II

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. EVANS. Mr. Speaker, I join with many of my colleagues today to honor and give thanks to America's minority veterans—the soldiers, the sailors, the men and women of the Air Force, and, of course, my fellow Marines. More of the world is free today than ever before, thanks in no small part to their valor and sacrifice half a century ago.

The twentieth century began with much of the globe dominated by militaristic empires. In the First World War, our armed forces were the lever that pried these colonial empires apart.

In their ruin, the hideous forces of totalitarianism grew to great power, threatening to engulf us all. In the dark hour, American GIs of every color, of every national origin and creed, left the safety of their homes and began the struggle of the century. In World War II, American forces joined with freedom-loving people from Europe, Africa and Asia to defeat the Axis—that misspent laboratory for human cruelty.

The cost was extraordinarily high. Over one and one-half million minority Americans gave their lives to this cause. Some 1.2 million were African Americans, for whom racial slavery was no hypothetical concept. Over 300,000 were Hispanic Americans and another 50,000 were Asian Americans, willing to look past the discrimination they endured toward a better day that only democracy could bring. More than 20,000 Native Americans died for this country in World War II, along with more than 5,000 Native Hawaiians and over 3,000 Native Alaskans.

This week the House echoed the words of General Colin Powell, former Chairman of the Joints Chief of Staff, who wrote last year that among those who best exemplified courage, selflessness, exuberance, superhuman ability, and amazing grace during the past 200 years was the American GI.

''. . . In this century,'' General Powell said, ''hundreds of thousands of GIs died to bring to the beginning of the 21st century the victory of democracy as the ascendant political system of the face of the earth. The GIs were willing to travel far away and give their lives, if necessary, to secure the rights and freedoms of others. Only a nation such as ours, based on a firm moral foundation, could make such a request of its citizens. And the GIs wanted nothing more than to get the job done and then return home safely. All they asked for in repayment from those they freed was the opportunity to help them become part of the world of democracy . . . Near the top of any listing of the most important people of the 20th century must stand, in singular honor, the American GI.''

The American GI who served during World War II came in many colors and represented many cultures. Those of us who grew up in my generation, and went on to serve in another dark time, have taken courage in the stories of the Tuskeegee Airmen, the Nisei soldiers in Italy, the Navajo code-talkers in the Pacific, the Hispanic fighters who head the roll of the Medal of Honor and others. The diversity of these heroic men and women, and their determination to show what they could do, was a source of their strength. It still is today.

In light of the accomplishments of the Armed Forces of the United States during World War II both of defeating the forces of tyranny and dictatorship and in embodying a sense of honor, decency, and respect for mankind, I join in saluting our minority American GIs.

But no tribute to the courage and dedication of America's minority veterans should stop with 1945. Having fought for their country, these diverse and courageous men and women could no longer be contained by the brutal rules they had known as children. they were also the footsoldiers and leaders of the civil rights movements that followed World War II. They went home and took on careers and bought homes, set up businesses, entered the professions and all the walks of life that had been barely imaginable for them before the war. They had defended democracy as servicemembers and wanted nothing less than full participation in the democratic institutions they had preserved.

I am proud to honor our nation's brave minority veterans. I salute them and thank them for a job well done.

ENERGY POLICY AND CONSERVATION REAUTHORIZATION

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Ms. DELAURO. Mr. Speaker, today the House of Representatives passed an important reauthorization bill, the Energy Policy and Conservation Act. This bill does a number of important things including reauthorizing the Strategic Petroleum Reserve, but it does one thing in particular that is very important to Connecticut: it sets up a home heating oil reserve for the Northeast based on legislation Congressman BERNIE SANDERS introduced and I cosponsored.

The bill calls on the federal government to create a 2 million barrel home heating oil reserve which could be released by the President when oil prices rise rapidly, when there is a disruption in supply or when there is a regional crisis like the cold snap Connecticut and other Northeastern states faced last winter. This will help our region deal with uncertainties in the market and will stabilize oil prices in the future.

As we all remember this past winter, the average price of home heating oil increased by almost 50 percent in less than one month, and at its peak, the price of oil was double what it has been the previous year. Many of my constituents were in situations where they could not afford to fill their tanks to heat their homes. Some were choosing between eating their meals or heating their homes. We cannot allow that to happen in the future.

The creation of this home heating oil reserve will prevent these disruptions and will provide more stability for my constituents who were forced to pay outrageously high prices to heat their homes, or worse, to make difficult choices between paying bills for food, clothes, doctor visits and heating their homes. It would give the Northeast a tool in combating the type of crisis we faced this winter, when low temperatures and high oil prices forced many people into a situation where they were unable to keep their homes warm for their families. It is imperative that the House and Senate retain this provision when they meet to develop a conference report on the Energy Policy and Conservation Act.

ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I am in strong support of H.R. 2884, the Strategic Petroleum Reserve Reauthorization. This important legislation takes the necessary steps to address the current policy of reliance on foreign oil which is threatening our national security.

I would like to share with you an important quote. It's a quote from President Clinton. He said, and I quote directly:

''I am today concurring with the Commerce Department's finding that the nation's growing reliance on imports of crude oil and refined petroleum products threaten the nation's security because they increase U.S. vulnerability to oil supply interruptions.''

That statement was made by the President in 1994 when imported oil was less than 51% of American consumption. Here we are today, 6 years later, and not only have we not reduced that demand for foreign oil, not only have we not stabilized that demand, we have actually increased that demand to over 56% of our consumption.

Dependence on foreign oil is an ever-growing threat to America's security. President Clinton stated that fact six years ago, but the facts also show the Clinton-Gore Administration has been AWOL when it comes to encouraging the development of the domestic energy supply that would decrease our reliance on foreign product.

The legislation before us is a step in the right direction toward the development of our domestic energy supply. This provision gives the Energy Secretary discretionary authority to purchase oil from domestic sources as opposed to the current practice of only buying foreign oil. H.R. 2884 authorizes, at the discretion of the Energy Secretary, the purchase of oil from these marginal ''stripper'' wells whenever the price of oil dips below $15 dollars per barrel. This is vital to the improvement of our energy policy in the United States today. This legislation also takes a major step in improving the economic situation for the small, independent producers in America, while, at the same time, strengthening our national security.

There are more than 6,000 independent producers nationwide, many working out of their homes with few employees. Yet they drill 85% of domestic oil and natural gas wells in America, contributing close to half of our nation's domestic oil and gas output.

Mr. Speaker, we must develop a national energy policy that protects our security interests while, at the same time, improving the production economy in America. The passage of H.R. 2884 will be an important step in that direction. I urge my colleagues in the House to join me in casting their vote in favor of this very important legislation.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. BACHUS. Mr. Speaker, when the Partial Birth Abortion Ban Act was before this body last year, opponents accused proponents of the legislation of bad taste, of offensive conduct. What was that offensive conduct? It was giving an admittedly accurate description of the gruesome act by which a baby's body is dismantled and mutilated and its young life painfully and unjustifiably ended. There is agreement. What a sorry spectacle. Unfortunately, ironically, there is no agreement—no consensus on an even sorrier spectacle, an even greater outrage. That outrage is not a description of a partial birth abortion, it is the partial birth abortion itself. Imagine a society too humane and too caring to permit the discussion of such a heinous act, but one which at the same time not only permits, but defends this outrageous offense against humanity, liberty and justice.

Do not all of us have the compassion to agree that this should never happen to any human being? A violation of our God given dignity. Is not every partial birth abortion an offense against humanity: does it not weaken our conscience, harden our heart, and dull our mind. I submit to you that every innocent life taken by this procedure makes America less caring, less respectful of others, and leaves behind only feelings of guilt. Each procedure leaves scars that can last forever in our memory, in our hearts, and in our consciences.

[We in America like to consider ourselves a compassionate people. We pride ourselves on wanting to protect the weak, to help those in need. But we refuse to acknowledge the suffering of a baby whose skull is cracked and whose brain is sucked out. Yet this happens at least 5,000 times each year in America. That means that every day 14 babies die hidden from our view. Babies need our protection, our care, and our concern. We have been elected to protect those who need our help, to make a difference in the lives of others. I, for one, feel the weight of knowing that all of those babies suffer so much and so needlessly. We have the power to stop their suffering, and to end this barbaric procedure.]

A mother's womb is where a baby should feel safest, free from all harm and literally surrounded by love. Every partial birth abortion is a failure of love. Every partial birth abortion is a failure of justice. And every partial birth abortion is an unnecessary procedure. Not only are these types of brutal degradations not required, the AMA says they should never happen in a medically advanced country like ours.

Let us all agree to go beyond partisan ways of thinking and consider what is really at stake: the life of an innocent, weak, and defenseless human being who needs our protection. Does not justice and conscience and respect for life cry out for passage of this legislation?

MONMOUTH MEDICAL CENTER PRESENTS THE PINNACLE AWARDS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. PALLONE. Mr. Speaker, on Saturday, April 15, 2000, Monmouth Medical Center in Long Beach, NJ, will present the sixth biannual Physician Recognition Dinner and the presentation of the Pinnacle Awards. The event will be held at the Oyster Point Hotel in Red Bank, NJ.

Mr. Speaker, these awards will be presented in recognition of six physicians whose contributions have helped to establish Monmouth Medical Center as one of the foremost community teaching hospitals in New Jersey. The six outstanding physician recipients of the Pinnacle Award for 2000 have been leaders and achievers. Each has devoted a lifetime of faithful service to Monmouth Medical Center, exemplifying the ideals and traditions of the practice of medicine. More importantly, they have devoted a lifetime of service to the care and healing of innumerable grateful patients.

The Pinnacle Awards are presented on behalf of the entire household family, by authority of the administration of Monmouth Medical Center and the Medical and Dental Staff. The recipients of the Pinnacle Awards are:

Richard A. Daniels, M.D. Besides practicing medicine, Dr. Daniels has had another love for the past 49 years—teaching it. Although he officially retired from his internal medicine practice last year, he can still be seen on the patient floors of Monmouth Medical Center, providing one-to-one instruction to medical school students and medical residents. Dr. Daniels has been actively involved in Monmouth's medical education program since the early 1960s. Throughout his career, he's placed a major focus on cardiology, serving as president of the Monmouth County Heart Association. Later, he combined that interest with geriatric medicine, becoming board certified in that specialty.

A 1955 graduate of the State University of New York, Dr. Daniels completed his residency in internal medicine at Mount Sinai Hospital, New York, serving as chief resident in his final year of training. He then spent two years in the military as chief of medicine at the Air Force Hospital in Minot, ND. He joined Monmouth's attending staff in 1961, and entered into private practice the same year. Since 1968, he has been an associate clinical professor at MCP Hahnamann School of Medicine, the teaching affiliate of Monmouth Medical Center. Dr. Daniels is a diplomat of the American Board of Internal Medicine, a fellow of the American College of Physicians and the American Society of Internal Medicine, and a member of the Teachers of Family Practice and an associate of the American College of Cardiology. His research work has been published in the Annals of Internal Medicine, American Journal of Medicine and New Jersey Medicine.

Dr. Daniels and his wife Norma divide their time between Long Beach and Vermont. They have two sons, Steven and Jeffrey, both of whom are doctors—as is one of their sons-in-laws. They also have two daughters, Cathy Zukerman, an architect, and Barrie Markowitz, a director at American Express. Their four children have presented Dr. and Mrs. Daniels 12 grandchildren.

Barry D. Elbaum, D.D.S. Since joining Monmouth Medical Center's Medical and Dental Staff in 1996, Dr. Elbaum, an oral and maxillofacial surgeon, has been a driving force in the growth of the Department of Dentistry. For the past 11 years, Dr. Elbaum has served as department chairman. Under his leadership, the number of dentists on the attending staff has quadrupled to 80 dentists. Having established his discipline as a major department that holds a permanent seat on the hospital's Medical Executive Committee, Dr. Elbaum is credited with changing the attending staff's official name to the Medical and Dental Staff. The dentists on the staff, under Dr. Elbaum's guidance, provide instruction to four resident dentists each year, providing hands-on training in one of the busiest facilities of its kind in the state. He has also offered direction in bringing in the most advanced dental and oral techniques. He has also helped to raise significant funds to establish the Samuel Elbaum Continuing Dental Education Program. He is also in private practice at several locations in Monmouth County.

Born in Poland, Dr. Elbaum is a Holocaust survivor who was 12 years old when he came to the United States in 1950. During his three-month stay at Ellis Island, he mastered both the English language and table tennis, which he later won a championship in. He graduated from the New York University College of Dentistry in 1962. After a four-year residency at Mount Sinai Hospital in New York, he established his practice in Asbury Park, NJ. He became chairman of the oral and maxillofacial surgery and dental implantology, Dr. Elbaum is a fell of the American and International Sciences of oral and Maxillofacial Surgery and of the American Dental Society of Anesthesiology. He is also a former board member of the Jewish Community Center and the United Jewish Federation.

Dr. Elbaum's wife Libbie, a certified public accountant, has been involved in the bookkeeping and financial activities of her husband's practice. Their son, Jeffrey Elbaum, D.D.S., and their daughter, Gayle Elbaum Krost, D.D.S., have both followed in their father's footsteps. Gayle's husband, Brian Krost, D.M.D., is also a practicing dentist. Their other daughter, Rochelle Matalon, has completed a master's degree in social work, and her husband, Albert Matalon, M.D. is completing a fellowship at Columbia-Presbyterian Medical Center. The Elbaum's, who live in Ocean Township, NJ, have nine grandchildren.

Carlos G. Garcia, M.D. In 1963, Dr. Garcia fled Cuba with his pregnant wife, young son and sister-in-law. Thirteen years later, he opened a private practice in cardiology in Long Branch, and has gone on to become one of the most well respected cardiologists in the region, having served as director of Cardiology at Monmouth Medical Center for 15 years before his retirement last year.

Dr. Garcia began his medical training in Cuba, where he also worked as an EKG technician for a cardiologist. The political unrest and the intolerable social and political pressures of the Castro communist dictatorship compelled him to seek a better life in the U.S. After a brief stay in Miami, Dr. Garcia and his family moved to New York. He eventually found a job at Mount Sinai Hospital, and then continued his studies in Spain. After earning his medical degree, he returned to the U.S. to continue his postgraduate education at Monmouth Medical Center, where he completed an internship and residency in internal medicine. He entered private practice in 1970, the same year he became a member of Monmouth Medical Center's Medical and Dental Staff. Three years later, the Garcias became naturalized U.S. citizens. In 1984, Dr. Garcia was named acting director of Cardiology at Monmouth Medical, and he soon assumed that post in a permanent capacity. During his tenure, the Department made major strides, providing the full range of services to patients, from the first signs of a heart attack through treatment, recovery and rehabilitation. One of the highlights of his tenure was the 1996 opening of the Cardiac Catheterization Laboratory.

Dr. Garcia and his wife Josephine are longtime residents of West Long Branch, NJ. Their daughter Maria is a registered nurse and lactation consultant, and their son Carlos is president of a managed care brokerage. they have five grandchildren. Dr. Garcia's brother, Juan Garcia, M.D., is also a practicing physician in the Central New Jersey area. The Garcias have relatives in Miami and some in Cuba, whom they hope to see soon.

H. Lawrence Karasic, M.D. During his 35 years with Monmouth Medical Center's Department of Anesthesiology, Dr. Karasic has witnessed much change among his ranks on the surgical floor. The department has grown from a staff of four to 20 anesthesiologists, many of whom completed their residency training at Monmouth Medical. Monitoring equipment has become more sophisticated and anesthetic agents are more effective. The surgeons they support are also becoming ever more effective in saving lives, treating illnesses and reducing recovery times. Throughout those years, Dr. Karasic has remained committed to medical education, a dedication that was recognized when he received the 1999 Alumnus of the Year Award from MCP Hahnemann School of Medicine, which provides clinical training for more than 300 Hahnemann students each year. Since 1982, he has served as associate clinical professor of anesthesiology at Hahnemann.

Dr. Karasic earned his medical degree from Philadelphia-based medical school, where he completed his internship and residency. He spent two years in the military, as the head of anesthesiology at the U.S. Naval Hospital in Guantanamo Bay, Cuba, before joining Monmouth's attending staff in 1965. He served as coordinator of medical education in anesthesia and became instrumental in establishing the hospital's fully accredited anesthesiology residency program in 1982. For the next four years, he filled a dual role as department chairman and residency program director. Throughout his career, he has served on many clinical, educational and peer-related committees of Monmouth Medical Center, Hahnemann and the American Society of Anesthesiologists. From 1993 to 1996, he was clinical director or anesthesia for O.R. operations at Monmouth. He is a diplomat of the American Board of Anesthesiology and a fellow of the American College of Anesthesiologists.

Dr. Karasic wife, Honey Karasic, owns and operates the Back Relief and Comfort Store in Oakhurst, NJ. Mrs. Karasic's business often provides much needed relief for the doctor after he engages in two of his favorite activities, downhill skiing and racquetball. The Karasics have four children—Robert, Shara, Leslie and Neal—and two grandchildren—Zachary and Emily.

Albert A. Rienzo, M.D. The opening last year of the Cranmer Ambulatory Surgery Center at the Monmouth Medical Center campus last year marked the beginning of a new era in otolaryngology. For Dr. Rienzo, the center's debut marked the culmination of years of hard work to bring state-of-the-art surgical systems to the region, paving the way for him and his colleagues to perform the latest procedures in treating disorders of the ears, nose and throat. The center is now performing three of the most advanced procedures offered at any medical facility in the nation, employing high-tech equipment and techniques to achieve an unprecedented degree of precision, safety, painlessness and non-invasiveness.

A member of Monmouth's Medical and Dental Staff for 25 years, Dr. Rienzo has served as section chief of Ear, Nose and Throat since 1980, participating in the many initiatives that have shaped this surgical specialty over the past two decades. Under his leadership, otolaryngologists at Monmouth became the first in the region to perform endoscopic functional sinus surgery to treat chronic sinus disease. They also pioneered the removal of benign or malignant lesions from the larynx with minimally invasive techniques. During the early 1990s, Dr. Rienzo established the Department of Rehabilitation Services' Vocal Dynamics Laboratory. He also served as director of Monmouth's cochlear implant program, which was one of only three designated by the state to perform the surgical procedure, which involves placing an electrical device in the inner ear of a profoundly deaf patient to restore hearing.

A 1966 graduate of the University of Bologna School of Medicine in Italy, Dr. Rienzo completed his internship and surgical residency at Monmouth. He also served in the military, serving for a year as director of the ENT clinic at the U.S. Army Hospital at Fort Devens, MA. After continued training at the Newark Eye and Ear Infirmary, he returned to Monmouth Medical Center in 1974, and also established private practice in Long Branch. He has been active in the medical education program, and is a clinical senior instructor at MCP Hahnemann School of Medicine. Dr. Rienzo is a member of the American Academy of Otolaryngology and the International Society of Otolaryngologists.

A resident of Rumson, NJ, Dr. Rienzo has three children—Anthony, Caroline and Benedetta. His daughter Elsa died three years ago. He is one of six physicians in the Rienzo family.

Charles Sills, M.D. Dr. Sills has been at the forefront of the high technology boom that continues to revolutionize the field of surgery. Since joining the Medical and Dental Staff of Monmouth Medical Center in 1968, Dr. Sills, a thoracic surgeon, has played a major role in maintaining Monmouth's leadership position in New Jersey for excellence in the field. During the mid-1980s, Dr. Sills introduced laser surgery to Monmouth and Ocean counties as the first to perform endobronchial laser surgery. Since then, Monmouth Medical has been on the cutting edge of bringing to the region minimally invasive procedures, allowing for procedures to be performed on internal organs without the trauma of open surgery.

For the past nine years, after spending a year as vice president of the Medical and Dental Staff, Dr. Sills has been chairman of the Department of Surgery and director of the general surgery residency program, which provides training to resident physicians who plan to enter the surgical field or to those who seek surgery training for preparation to enter other medical specialties. In 1994, he guided a multidisciplinary medical team that earned Monmouth the distinction of being the only hospital in New Jersey to participate in the Lung Volume Reduction Surgery study, which provides significant relief to emphysema patients.

A 1967 graduate of Chicago Medical School, Dr. Sills completed a five-year residency program in general surgery at Albert Einstein College of Medicine in New York. He received fellowship training in surgery from the National Institutes of Health before embarking on cardiothoracic surgery training there and at Montefiore Hospital in New York. After joining Monmouth in 1968, he entered private practice five years later. Since 1975, he has been a clinical associate professor of surgery at MCP Hahnemann School of Medicine. He is a fellow of the American College of Surgeons and the American College of Chest Physicians. He is also a member of the Society of Thoracic Surgeons, the American Society of Laser Surgery, and other professional societies.

Not content to have mastered one field, Dr. Sills is an undergraduate student at Rutgers University Mason Gross School of Fine Arts, and plans to seek his master of fine arts degree there. His sculpture has been exhibited in New Jersey and New York. Dr. Sills and his wife Caryl, chairman of Monmouth University's English Department, live in Rumson, NJ. They have three sons—Peter, Keith and Adam—and two grandsons—Liam and Zachary.

IN SUPPORT OF THE ''JENNIE FUND''

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KLECZKA. Mr. Speaker, today I highlight this Saturday's Jennie Ramus Memorial Benefit to be held at Thomas More High School, in Milwaukee, WI. Jennie Ramus, the daughter of Wayne and Theresa Ramus, was a Thomas More senior whose life was cut short by a drunk driver in December of 1998.

The Jennie Fund, an initiative to create a $100,000 endowment fund, was established in January 1999 at Thomas More High School to provide scholarships for students seeking financial assistance and willing to take an active role in the Students Against Destructive Decisions (SADD) program and support community awareness and prevention of drinking and driving, drug abuse and violence. Thanks to the support and generosity of many, the fund has received over $80,000 to date.

Saturday's event, sponsored by the Wisconsin Polka Hall of Fame and Thomas More High School, will begin with a Mass to be followed by a community music festival, dancing, SADD and Jennie Fund presentations.

I commend the Jennie Fund and SADD for their efforts and the Thomas More High

School community for their financial contributions and prayers in memory of this once vibrant former student.

IN HONOR OF THE WEST CARTER GIRLS BASKETBALL TEAM

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, today I congratulate some terrific young constituents from Kentucky's Fourth District, the girl's basketball team at West Carter High School. These small-town girls beat all the odds this season, bringing the state championship to Olive Hill, Kentucky, for the first time since the girls' team began at West Carter in 1974. It is also the first Sweet Sixteen win for the 16th region of northeastern Kentucky as well. I hope that this will be only the first of many championships for this community.

The Lady Comets set a wonderful example for young people all over Kentucky. Their hard work, dedication, and athleticism are evident, as are the many hours they spent in practice to earn the state title. I would like to take this opportunity to enter their names into the RECORD: Leah Frasier, Shelsa Hamilton, Cassondra Glover, Jenise James, Mandy Sterling, Megen Gearhart, Cathy Day, Kandi Brown, Shanna Shelton, Kayla Jones, Brooke Mullis, Nicki Burchett, Meghan Hillman, and Robin Butler. Kandi Brown was named the Tournament Most Valuable Player, and joining her on the All-Tournament Team were Megen Gearhart and Mandy Sterling.

I also salute Head Coach John ''Hop'' Brown who worked so hard for these young women, as well as the assistant coaches, Von Perry and Dana Smith. I also congratulate the people of Olive Hill who have strongly supported their team and so richly deserve this honor.

Mr. Speaker, this year's Sweet Sixteen set a record for attendance. over 40,000 people attended the four-day event, a record in the tournament's 39-year history. This bodes well for women's athletics in Kentucky, and it is good news for our daughters and granddaughters as well. I am pleased to commend these young women to the House of Representatives, and I couldn't express better than the words of one fan, who stated, ''They're just a super bunch of girls.''

HONORING DAN MISNER OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, today I honor a true civic hero from Wisconsin's First Congressional District—Mr. Dan Misner. Dan Misner retired last month after dedicating 40 years of his life to public education in Walworth, Wisconsin.

Dan Misner grew up near Beloit, Wisconsin. He credits a dedicated high school teacher for giving him the inspiration to go to college and enter the field of education. He was the first of seven children in his family to attend college and earn a degree.

Dan's teaching career started in 1959 at Big Foot High School, where he also coached the men's football, baseball and golf teams. Within ten years, he ascended to the position of Director of Instruction for the Big Foot Area Schools Association. In addition, he also served as the principal of Fontana High School. He concluded his four decades in public education by serving two terms on the Big Foot School Board, including one term as president of the board.

When asked what motivated his interest in education, Dan replied that it was his passion for knowledge and children. Dan's commitment to children and education serves as an inspiration to us all. He is truly a role model for anyone seeking a career in teaching. I am honored to recognize him for his contributions in improving the lives and education of children in Wisconsin's First Congressional District.

In his retirement, Dan plans to continue his volunteer work and spend more time with his family. I wish Dan Misner and his family the best of success and thank him for his dedicated service to his community.

IN HONOR OF HERMAN SPERO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Herman Spero, the Executive Producer of UPBEAT an ''American Bandstand'' type television show produced in Cleveland, OH.

April 13, 2000 will be considered UPBEAT Day in Cleveland. On this day, the Rock and Roll Hall of Fame and Museum will be unveiling their third in a series of their Rock and Roll Landmarks at WEWS TV, where UPBEAT was taped every Saturday night from 1964–1971. The show was syndicated in over one hundred cities and featured every major recording artist from the rock, jazz, and the rhythm and blues world. UPBEAT featured the first ever TV appearance of Simon & Garfunkle as well as the last appearance of Otis Redding. Other famous acts appearing in UPBEAT included the Beatles and the Rolling Stones.

We all know that it takes an immense amount of passion, hard work and dedication to make dreams come true. We are grateful to Mr. Spero for having an overwhelming amount of all three. He was instrumental to the success of Rock and Roll and had a historical role in its development. When the history of Rock and Roll is written, Herman Spero will have a fitting and appropriate mention. Herman Spero, through his unique combination of vision, common touch, and entertainment flair, is certainly deserving of this well-earned recognition.

I ask you, fellow colleagues, to join me in honoring a Cleveland legend, Herman Spero, who has given the city yet another reason why it is the Rock and Roll Capitol of the World.

A TRIBUTE TO MRS. DORIS SMALLWOOD

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Doris Smallwood, a dedicated teacher with 36 years of experience in the Philadelphia School System. Unfortunately for us, Mr. Speaker, this year marks the last in which she will be educating our children at the Hunter School. Her retirement at the end of this school year deserves recognition not only for the longevity which her career achieved, but for the special impact she has had on the students and teachers she has encountered over the years. As Mrs. Smallwood moves to the next chapter of her life, it is incumbent upon us to reflect back and praise her for the extraordinary service she has provided to our community.

Mrs. Smallwood has been called a ''teacher's teacher'' by her peers. As an exemplary instructor of the 3rd grade with a keen interest in math, it was not uncommon to find Mrs. Smallwood conducting math lessons for her fellow teachers after school. Her dedication to mathematics resulted in the development of assessment standards which ensured that teachers were up to par in that field. Mrs. Smallwood, in effect, raised the bar for qualifications of teachers and did this solely out of her innate desire to better educate our youth.

Mrs. Smallwood prepared her students for the world to come not through rudimentary lesson plans, but through an engaging relationship that spanned beyond the classroom walls. When the technology boom occurred, it was Mrs. Smallwood who developed the grant to provide a computer lab for the Hunter School. It is no wonder that it was also she who became Technology Specialist after earning her certification in technology at the college level. Her proficiency in computers allowed for Internet training of Mentally Gifted students and for basic computer training of kids starting as early as kindergarten. Furthermore, Mrs. Smallwood understood the important link between home and school. She has been instrumental in the design and success of the Parent Partnership Program which prepares both parent and child for the transition from home to the school community.

The citizens of Philadelphia will sorely miss the heart-felt dedication that Mrs. Smallwood displayed during her tenure as a teacher with the Hunter School. She has defended the belief that all students can and will learn. She has also proclaimed that the only barrier to success is indifference, something she has never allowed herself or those around her to experience. She is a master teacher who has perfected her craft yet continues to choose learning as an avenue to life. She truly is, in every essence of the word, a teacher. We can only hope that others will emulate her commitment to excellence and her pursuit for the educational advancement of all students.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 13, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2239, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.
SD–366

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing fund for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the Defense Industrial Base.
SR–222

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2273, to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area; and S. 2048, to establish the San Rafael Western Legacy District in the State of Utah.
SD–366

APRIL 27

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on pending legislation on agriculture concentration of ownership and competitive issues.
SR–328A

Energy and Natural Resources
To resume hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.
SH–216

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2553–S2646

Measures Introduced: Thirteen bills and five resolutions were introduced, as follows: S. 2403–2415, and S. Res. 286–290. **Pages S2616–17**

Measures Reported: Reports were made as follows:

S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, with an amendment in the nature of a substitute. (S. Rept. No. 106–261)

S. 1705, to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho. (S. Rept. No. 106–262)

S. 1727, to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, with amendments. (S. Rept. No. 106–263)

S. 1797, to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, with an amendment in the nature of a substitute. (S. Rept. No. 106–264)

S. 1836, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama. (S. Rept. No. 106–265)

S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute. (S. Rept. No. 106–266)

S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, with an amendment in the nature of a substitute. (S. Rept. No. 106–267)

S. 1910, to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York, with amendments. (S. Rept. No. 106–268)

H.R. 1615, to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment. (S. Rept. No. 106–269)

H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State. (S. Rept. No. 106–270)

H.J. Res. 86, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war.

H. Con. Res. 269, commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities. **Pages S2615–16**

Measures Passed:

Worker Economic Opportunity Act: By a unanimous vote of 95 yeas (Vote No. 81), Senate passed S. 2323, to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act. **Pages S2575–86**

National Peace Officer's Memorial Service: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 278, authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service, and the resolution was then agreed to. **Page S2645**

Library of Congress 200th Birthday Celebration: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 279, authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress, and the resolution was then agreed to. **Page S2645**

Center for the Performing Arts Performances: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 281, authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts, and the resolution was then agreed to. **Page S2645**

Senate Chamber Photograph: Senate agreed to S. Res. 288, authorizing the taking of a photograph in the Chamber of the United States Senate. **Pages S2644–45**

Smithsonian Institution Appointment: Committee on Rules and Administration was discharged from further consideration of S.J. Res. 40, providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution, and the measure was then passed. **Page S2645**

Smithsonian Institution Appointment: Committee on Rules and Administration was discharged from further consideration of S.J. Res. 41, providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution, and the measure was then passed. **Page S2645**

Smithsonian Institution Appointment: Committee on Rules and Administration was discharged from further consideration of S.J. Res. 42, providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution, and the measure was then passed. **Page S2645**

Marriage Tax Penalty Relief Act: Senate continued 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, taking action on the following amendment proposed thereto: **Pages S2587–88, S2590–S2600**

Pending:

Lott (for Roth) Amendment No. 3090, in the nature of a substitute. **Page S2587**

A unanimous-consent agreement was reached providing that the Senate proceed to vote on the cloture motion on Amendment No. 3090 (listed above), at 2 p.m. on Thursday, April 13, 2000. **Page S2645**

Messages From the House: **Page S2614**

Measures Referred: **Page S2614**

Measures Read First Time: **Page S2614**

Communications: **Pages S2614–15**

Petitions: **Page S2615**

Executive Reports of Committees: **Page S2616**

Statements on Introduced Bills: **Pages S2617–36**

Additional Cosponsors: **Pages S2636–37**

Amendments Submitted: **Pages S2640–44**

Notices of Hearings: **Page S2644**

Authority for Committees: **Page S2644**

Additional Statements: **Pages S2612–14**

Privileges of the Floor: **Page S2644**

Record Votes: One record vote was taken today. (Total–81) **Page S2586**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:48 p.m., until 10:30 a.m., on Thursday, April 13, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S2645–46.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—MISSILE DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs, after receiving testimony from Lt. Gen. Ronald T. Kadish, USAF, Director, Office of External Affairs, Ballistic Missile Defense Organization, Department of Defense.

APPROPRIATIONS—INDEPENDENT AGENCIES

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2001 for Independent Agencies, after receiving testimony in behalf of funds for their respective activities from Harris Wofford, Chief Executive Officer, and Luise S. Jordan, Inspector General, both of the Corporation for National and Community Service; Ellen Lazar, Director, and Maurice Jones, Deputy Director for Policy and Programs, both of the Community Development Financial Institutions; and Andrea Kidd Taylor, Board Member, Chemical Safety and Hazardous Investigations Board. Testimony was also received from Karyn L. Molnar, KPMG, Washington, D.C., on behalf of the Corporation for National and Community Service.

INSURANCE AGENT LICENSING REFORMS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities concluded oversight hearings on multi-state insurance agent licensing reforms and the creation of the National Association of Registered Agents and Brokers, after receiving testimony from Terri M. Vaughan, Des Moines, Iowa, on behalf of the National Association of Insurance Commissioners; Clare Farragher, New Jersey General Assembly, Trenton, on behalf of the National Conference of Insurance Legislators; Robert A.

Gleason, Jr., Gleason Agency, Johnstown, Pennsylvania, on behalf of the Council of Insurance Agents and Brokers; and Ronald A. Smith, Smith, Sawyer, and Smith, Inc., Rochester, Indiana, on behalf of the Independent Insurance Agents of America.

INTERNET TAXATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 2255, to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006, after receiving testimony from Representative Cox; Utah Governor Michael Leavitt, Salt Lake City, on behalf of the National Governors' Association and the Advisory Commission on Electronic Commerce; John Berthoud, National Taxpayers Union, Alexandria, Virginia; Donald Bruce, University of Tennessee Center for Business and Economic Research, Knoxville; David Bullington, Wal-Mart Stores, Inc., Bentonville, Arkansas; Burr Morse, Morse Farm Sugar Works, Montpelier, Vermont; and Jonathan Zittrain, Harvard University Law School Berkman Center for Internet and Society, Cambridge, Massachusetts.

COLUMBIA RIVER HYDROPOWER OPERATIONS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded oversight hearings to examine federal actions affecting hydropower operations on the Columbia River system, after receiving testimony from Brig. Gen. Carl A. Strock, USA, Division Engineer, Northwestern Division, Army Corps of Engineers; Stephen J. Wright, Senior Vice President, Corporate, Bonneville Power Administration, Department of Energy; William Stelle, Jr., Regional Administrator, National Marine Fisheries Service, Northwest Region, National Oceanic and Atmospheric Administration, Department of Commerce; and J. William McDonald, Regional Director, Pacific Northwest Region, Bureau of Reclamation, Department of the Interior.

RUSSIAN PRESIDENTIAL ELECTIONS

Committee on Foreign Relations: Subcommittee on European Affairs held hearings to examine issues dealing with the Russian presidential elections, receiving testimony from Steven R. Sestanovich, Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States; and Zbigniew Brzezinski, Center for Strategic and International Studies, former National Security Advisor, and Thomas E. Graham, Jr. and Michael A. McFaul, both of the Carnegie Endowment for International Peace, all of Washington, D.C.

Hearings recessed subject to call.

CASPIAN SEA ENERGY RESOURCES

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded hearings on the status of infrastructure projects for Caspian Sea energy resources, focusing on offshore drilling, natural gas reserves, the Turkish market, and oil reserve development, after receiving testimony from John S. Wolf, Special Adviser to the President and Secretary of State for Caspian Basin Energy Diplomacy; David L. Goldwyn, Assistant Secretary of Energy for International Affairs; Ralph Alexander, BP Amoco Corporation, London, England; and J. Robinson West, Petroleum Finance Company, and Martha Brill Olcott, Carnegie Endowment for International Peace, both of Washington, D.C.

WASSENAAR ARRANGEMENT AND MULTILATERAL EXPORT

Committee on Governmental Affairs: Committee concluded hearings to examine the Wassenaar arrangement, a multilateral export control regime for conventional arms and sensitive dual-use goods and technologies, and the future of multilateral export controls, after receiving testimony from John D. Holum, Senior Adviser for Arms Control and International Security, Department of State; William A. Reinsch, Under Secretary of Commerce for Export Administration; and Stephen J. Hadley, former Assistant Secretary of Defense for International Security Policy, Frank J. Gaffney, Jr., Center for Security Policy, and Henry D. Sokolski, Nonproliferation Policy Education Center, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.J. Res. 86, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war;

H. Con. Res. 269, commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities; and

The nominations of Richard C. Tallman, of Washington, to be United States Circuit Judge for the Ninth Circuit; John Antoon II, to be United States District Judge for the Middle District of Florida; Marianne O. Battani, to be United States District Judge for the Eastern District of Michigan; David M. Lawson, to be United States District Judge for the Eastern District of Michigan; and Mark Reid Tucker, to be United States Marshal for the Eastern District of North Carolina.

ALLEGED CHINESE ESPIONAGE

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts resumed hearings on alleged Chinese espionage issues, focusing on the plea-bargain agreement reached in the case of Peter Lee, receiving testimony from John C. Keeney, Principal Deputy Assistant Attorney General, Michael Liebman, Line Attorney, and John Dion, Acting Chief, Internal Security Section, all of the Criminal Division, Department of Justice.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

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, with an amendment in the nature of a substitute;

S. 2366, to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network with an amendment in the nature of a substitute; and

The nominations of Mel Carnahan and Scott O. Wright, both of Missouri, each to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities, Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor, and Marc Racicot, of Montana, and Alan D. Solomont, of Massachusetts, each to be a Member of the Board of Directors of the Corporation for National and Community Service.

CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee concluded hearings on campaign finance reform proposals, focusing on compelled political speech, First Amendment protection, and federal labor law interpretations, after receiving testimony from Laurence E. Gold, AFL–CIO, Joan Claybrook, Public Citizen, and David S. Fortney, all of Washington, D.C.; Leo Troy, Rutgers University, Newark, New Jersey; Kenneth F. Boehm, National Legal and Policy Center, McLean, Virginia; and Robert P. Hunter, Mackinac Center for Public Policy, Midland, Michigan.

INDIAN AFFAIRS MANAGEMENT REFORM

Committee on Indian Affairs: Committee concluded oversight hearings on the report of the National Academy of Public Administration on the Department of the Interior's Bureau of Indian Affairs management reform, after receiving testimony from Royce Hanson, Panel Chair and Academy Fellow, National Academy of Public Administration; Kevin Gover, Assistant Secretary of the Interior for Indian Affairs; W. Ron Allen, Jamestown S'Klallam Tribe, Sequim, Washington, on behalf of the National Congress of American Indians; Eddie F. Brown, Washington University George Warren Brown School of Social Work/Kathryn M. Buder Center for American Indian Studies, St. Louis, Missouri; and John L. O'Donnell, Jr., Law Offices of John L. O'Donnell, Los Angeles, California.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 4245–4264; and 6 resolutions, H.J. Res. 98, H. Con. Res. 303–306, and H. Res. 476, were introduced.

Pages H2238–39

Reports Filed: Reports were filed today as follows:

H. Res. 472, providing for consideration of H.R. 3439, to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations (H. Rept. 106–575);

H. Res. 473, providing for consideration of H.R. 4199, to terminate the Internal Revenue Code of 1986 (H. Rept. 106–576);

Conference report on H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 (H. Rept. 106–577).

H. Res. 474, waiving points of order against the conference report to accompany 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 (H. Rept. 106–578); and

H. Res. 475, providing for consideration of H.R. 3615, to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006 (H. Rept. 106–579). **Pages H2206–36, H2237–38**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaTourette to act as Speaker pro tempore for today. **Page H2125**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Chip Lingle of Savannah, Georgia. **Page H2125**

Tax Limitation Constitutional Amendment: The House failed to pass H.J. Res. 94, proposing an amendment to the Constitution of the United States with respect to tax limitations. By a yea and nay vote of: 234 yeas to 192 nays, with 2/3 required for passage, Roll No. 119. **Pages H2131–47**

H. Res. 471, the rule that provided for consideration of the bill was agreed to by voice vote. **Pages H2128–31**

Clean Lakes Program: The House passed H.R. 2328, to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program by a yea and nay vote of 420 yeas to 5 nays, Roll No. 120. **Pages H2149–56, H2163–64**

Agreed to the Committee amendment in the nature of a substitute made in order by the rule. **Page H2156**

Agreed to the Traficant amendment that encourages the purchase of American-made products and requires a report on expenditures on foreign-made items within 180 days of the purchase. **Pages H2155–56**

Withdrawn:

Stupak amendment was offered, but subsequently withdrawn, that sought to prohibit the sale of fresh water from the Great Lakes. **Pages H2153–55**

H. Res. 468, the rule that provided for consideration of the bill was agreed to by voice vote. **Pages H2147–48**

Chesapeake Bay Restoration Act: The House passed H.R. 3039, to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay by a yea and nay vote of 418 yeas to 7 nays, Roll No. 121. **Pages H2156–63, H2164**

Agreed to the Traficant amendment that encourages the purchase of American-made products and requires a report on expenditures on foreign-made items within 180 days of the purchase. **Page H2163**

H. Res. 470, the rule that provided for consideration of the bill was agreed to by voice vote. **Pages H2148–49**

Suspension—Strategic Petroleum Reserve: The House agreed 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 by a yea and nay vote of 416 yeas to 8 nays, Roll No. 122. The motion was debated on Tuesday, March 11. **Pages H2164–65**

Spring District Work Period: The House agreed to H. Con. Res. 303, providing for the adjournment of the House of Representatives and a conditional adjournment or recess of the Senate. **Page H2165**

Recess: The House recessed at 9:05 p.m. and reconvened at 9:48 p.m. **Page H2206**

Recess: The House recessed at 9:49 p.m. and reconvened at 10:55 p.m. **Page H2236**

Amendments: Amendments ordered pursuant to the rule appear on page H2240.

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H2146–47, H2163–64, H2164, and H2165. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:56 p.m.

Committee Meetings

FEDERAL FARM POLICY

Committee on Agriculture: Held a hearing on Review of federal farm policy. Testimony was heard from public witnesses.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on the Report of Overseas Presence Advisory Panel. Testimony was heard from Ambassador Felix G. Rohatyn, U.S. Ambassador to France; and the following members of the Overseas Presence Advisory Panel, Department of State: Lewis Kaden, Chairman; former Ambassador Langhorne Motley, and Adm. William J. Crowe, Jr., USN (Ret.).

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.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued appropriations hearings. Testimony was heard from public witnesses.

AMERICA'S PRIVATE INVESTMENT COMPANIES ACT; NEW MARKETS INITIATIVE ACT

Committee on Banking and Financial Services: Ordered reported, as amended, the following bills: H.R. 2764, America's Private Investment Companies Act; and H.R. 2848, New Markets Initiative Act of 1999.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Energy and Power approved for full Committee action the following measures: H.R. 3383, amended, to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions; H.R. 3906, amended, 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, amended, 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 to ensure that the Secretary of Energy may continue to exercise certain authorities under the Price-Anderson Act through the Assistant Secretary of Energy for Environment, Safety, and Health.

The Subcommittee failed to approve for full Committee consideration H.R. 623, to amend the Energy Policy and Conservation Act to eliminate certain regulation of plumbing supplies.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce, Ordered reported 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.

The Committee also continued markup of H.R. 4141, Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act.

Will continue tomorrow.

FEHBP DEMONSTRATION PROJECT

Committee on Government Reform: Subcommittee on Civil Service held a hearing on "The Failure of the FEHBP Demonstration Project: Another Broken Promise?" Testimony was heard from Representatives Cunningham, Moran of Virginia, and Norwood; William E. Flynn, Director, Retirement and Insurance Programs, OMB; Rear Adm. Thomas F. Carrato, USN, U.S. Public Health Service, Director, Military Health Systems Operations, Tricare Management Activity, Department of Defense; and public witnesses.

HAITI—EMERGING DRUG THREAT

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on the Emerging Drug Threat from Haiti. Testimony was heard from Ambassador Don Steinberg, Special Haiti Coordinator, Department of State; the following officials of the Department of Justice: Carl Alexandre, Director, Overseas Prosecutorial Development Assistance and Training, Criminal Division; and Michael Vigil, Senior Agent in Charge, Miami, DEA; John Varrone, Acting Deputy Assistant Commissioner, Office of Investigations, U.S. Customs Service, Department of the Treasury; Rear Adm. Ed. J. Barrett, USCG, Director, Joint Interagency Task Force East, Department of Transportation; and a public witness.

PROPOSED COMMISSION FOR THE COMPREHENSIVE STUDY OF PRIVACY PROTECTION

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on "Legislative Hearing to Establish the Commission for the Comprehensive Study of Privacy Protection". Testimony was heard from public witnesses.

"REINVENTING PAPERWORK?: THE CLINTON-GORE ADMINISTRATION'S RECORD ON PAPERWORK REDUCTION"

Committee on Government Reform: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on "Reinventing Paperwork?: The Clinton-Gore Administration's Record on Paperwork Reduction". Testimony was heard from Charles O. Rossotti, Commissioner, IRS, Department of the Treasury; John T. Spotila, Administrator, Office of Information and Regulatory

Affairs, OMB; Nancy Kingsbury, Acting Assistant Comptroller General, General Government Division, GAO; Morton Rosenberg, Specialist in American Law, Congressional Research Service, Library of Congress; and public witnesses.

U.S.-EUROPEAN UNION RELATIONS

Committee on International Relations: Held a hearing on United States-European Union Relations: The View from the European Parliament. Testimony was heard via video conference from the following Members of the European Parliament: Mel Read, Chairperson, Karla Peijs, Vice Chairman, both with the Delegation for Relations with the U.S.; Elmar Brok, Chairman, Foreign Affairs, Human Rights, And Common Security and Defense Policy; and Carlos Wesendorp y Cabeza, Chairman, Committee on Industry, External Trade, Research and Energy.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Africa approved for full Committee action the following measures: H. Res. 449, congratulating the people of Senegal on the success of the multi-party electoral process; and H.R. 3879, amended, Sierra Leone Peace Support Act.

DEMOCRACY IN THE CENTRAL ASIAN REPUBLICS

Committee on International Relations: Subcommittee on Asia and the Pacific and the Subcommittee on International Operations and Human Rights held a joint hearing on Democracy in the Central Asian Republics. Testimony was heard from Donald Pressley, Assistant Administrator, Bureau for Europe and Eurasia, AID, Department of State; Paul Goble, Director of Communications, Radio Free Europe/Radio Liberty, USIA; and public witnesses.

SOUTH VIETNAM—HUMAN RIGHTS VIOLATIONS AND POLITICAL OPPRESSION

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action, as amended, 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.

OVERSIGHT

Committee on the Judiciary: Held an oversight hearing on the Antitrust Enforcement Agencies: the Bureau of Competition of the FTC and the Antitrust Division of the Department of Justice. Testimony was heard from Robert Pitofsky, Chairman, FTC; Joel Klein, Assistant Attorney General, Antitrust Division, Department of Justice; and public witnesses.

TECHNOLOGY WORKER TEMPORARY RELIEF ACT

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action, as amended, H.R. 4227, Technology Worker Temporary Relief Act.

OVERSIGHT

Committee on Resources: Held an oversight hearing on Compromising our National Security by Restricting Domestic Exploration and Development of our Oil and Gas Resources. Testimony was heard from Representatives DeLay, Gekas, Largent and Fosella; David J. Hayes, Deputy Secretary, Department of the Interior; Bob Gee, Assistant Secretary, Fossil Energy, Department of Energy; and public witnesses.

DATE CERTAIN TAX CODE REPLACEMENT ACT

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate on H.R. 4199, Date Certain Tax Code Replacement Act. The rule provides that the bill shall be considered as read and that the text of H.R. 4230 be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Portman and Largent.

RADIO BROADCASTING PRESERVATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3439, Radio Broadcasting Preservation Act of 2000. The rule makes in order the Committee on Commerce 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 rules 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 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 Representatives Tauzin, Oxley, Dingell, Rush and Barrett of Wisconsin.

CONFERENCE REPORT—CONCURRENT BUDGET RESOLUTION

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 and against its consideration. The rule provides that the conference report be considered as read. The rule provides one hour of debate equally divided and controlled between the chairman and ranking minority member of the Committee on the Budget. 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. Testimony was heard from Chairman Kasich.

RURAL LOCAL BROADCAST SIGNAL ACT

Committee on Rules: Granted, by voice vote, a closed rule on H.R. 3615, Rural Local Broadcast Signal Act providing one hour of debate in the House equally divided among and controlled by the chairmen and ranking minority members of the Committees on Agriculture and Commerce. The rule provides that, in lieu of the amendments recommended by the Committees on Agriculture and Commerce, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying the resolution shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions.. Testimony was heard from Representative Goodlatte.

NASA'S MARS PROGRAM

Committee on Science: Held a hearing on NASA's Mars Program After the Young Report. Testimony was heard from public witnesses.

FIRE GRANTS

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a 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. Testimony was heard from Senators DeWine and Dodd; Representatives Pascrell, Weldon of Pennsylvania, Gekas, Smith of Michigan and Hoyer; Kenneth O. Burris, Chief Operating Officer, U.S. Fire Administration, FEMA; Robert A. McGuire, Deputy Associate Administrator, Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation; and public witnesses.

GREAT LAKES SEDIMENT REMEDIATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on H.R. 3670, to amend the Federal Water Pollution Control Act to reauthorize the Great Lakes program. Testimony was heard from Charles Fox, Assistant Administrator, Office of Water, EPA; Michael L. Davis, Deputy Assistant Secretary (Civil Works), Department of the Army; and public witnesses.

VA HEALTH CARE WORKFORCE

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on status of recruitment, retention and compensation of the VA health care workforce including nurses, physicians and dentists. Testimony was heard from Kenneth J. Clark, Chief Network Officer, Department of Veterans Affairs.

FUNDAMENTAL TAX REFORM

Committee on Ways and Means: Continued hearings on fundamental tax reform. Testimony was heard from Representatives English, Armey, Tauzin and Traficant; and public witnesses.

Hearings continue tomorrow.

NSA LEGAL AUTHORITIES

Permanent Select Committee on Intelligence: Held a hearing on NSA Legal Authorities. Testimony was heard from Representative Barr of Georgia, George J. Tenet, Director, CIA, and Lt. Gen. Michael V. Hayden, USAF, Director, National Security Agency, Department of Defense.

Joint Meetings

IMF/WORLD BANK REFORM

Joint Economic Committee: Committee concluded hearings to examine issues relating to reform of the International Monetary Fund and the World Bank, after receiving testimony from Allan H. Meltzer, Carnegie Mellon University, Pittsburgh, Pennsylvania, Charles Calomiris, Columbia University, New York, New York, Adam Lerrick, Lerrick and Company, Inc, Barrytown, New York, and Jerome Levinson, American University, Washington, D.C., all on behalf of the International Financial Institution Advisory Committee.

2000 BUDGET

Conferees: On Tuesday, April 11, met to resolve the differences between the Senate and House passed versions of 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, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 13, 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 National Aeronautics and Space Administration, 9:30 a.m., SD–138.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the National Reading Panel report, 10 a.m., SD–124.

Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 2001 for Foreign Operations, 10:30 a.m., SD–192.

Subcommittee on Treasury and General Government, to hold hearings to examine certain Internal Revenue Service reform issues, 2:30 p.m., SD–192.

Committee on Armed Services: to hold hearings to examine the Department of Defense anthrax vaccine immunization program, 10 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings on the structure of securities markets, 10 a.m., SD–106.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 9:30 a.m., SR–253.

Full Committee, to hold hearings on S. 1361, to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to resume hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability, 9:30 a.m., SH–216.

Committee on Environment and Public Works: business meeting to consider the nomination of Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission; S. 522, to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water; H.R. 999, to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters; S. 2370, to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse"; H.R. 2412, to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse"; and S. 2297, to reauthorize the Water Resources Research Act of 1984, 9:15 a.m., SD–406.

Committee on Foreign Relations: business meeting to consider pending calendar business, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine issues dealing with protecting pension assets, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider H.R. 2260, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia; S. 1854, to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; S. 2058, to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals; and S. 2367, to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act, 9:30 a.m., SD–226.

Subcommittee on Immigration, to hold hearings on the proposed Mother Teresa Religious Worker Act, 2 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on Livestock and Horticulture, hearing and markup of H.R. 2962, Hass Avocado Promotion, Research, and Information Act; and to mark up H.R. 1275, to amend the Animal Welfare Act to prohibit the interstate movement of live birds for the purpose of having the birds participate in animal fighting, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Secretary of the Treasury, 10 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on SSA, and U.S. Institute of Peace, 10 a.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 Armed Services, Special Oversight Panel on Merchant Marine, to consider recommendations to the committee on H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 1 p.m., 2216 Rayburn.

Special Oversight Panel on Morale, Welfare and Recreation, to consider recommendations to the committee on H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 2 p.m., 2212 Rayburn.

Committee on the Budget, Housing and Infrastructure Task Force, hearing on Abuse of the NTSB Rapidraft Payment System, 10 a.m., Cannon.

Committee on Commerce, Subcommittee on Health and Environment, to mark up H.R. 3301, Children's Health Research and Prevention Amendments of 1999, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing to review U.S. Enrichment Corporation privatization and its impact on the domestic uranium industry, 2:30 p.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on the following bills: H.R. 3525, Religious Broadcasting Freedom Act; and H.R. 4201, Noncommercial Broadcasting Freedom of Expression Act of 2000, 12:45 p.m., 2322 Rayburn.

Committee on Education and the Workforce, to continue markup of H.R. 4141, Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act, 10:30 a.m., 2175 Rayburn.

Committee on International Relations, to mark up the following measures: H. Res. 464, expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David; H. Res. 449, congratulating the people of Senegal on the success of the multi-party electoral process; H.R. 4228, Congressional Oversight of Nuclear Transfers to North Korea Act; H. Con. Res. 230, expressing the strong opposition of Congress to the continued egregious violations of human rights and the lack of progress toward the establishment of democracy and the rule of law in Belarus and calling on President Alexander Lukashenka to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people; H.R. 4022, Russian Anti-Ship Missile Nonproliferation Act; H.R. 3879, Sierra Leone Peace Support Act; H.R. 3680, to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to the adjustment of composite theoretical performance levels of high performance computers; 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; H. Con. Res. 251, commending the Republic of Croatia for the conduct of its parliamentary and presidential elections; H.R. 4053, United States-Southeastern Europe Democratization and Burdensharing Act; and the Cross-Border Cooperation and Environmental Safety in Northern Europe Act, 10 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Children's Rights in Cuba, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, to consider authorizing the issuance of a Subpoena Duces Tecum to the Attorney General, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, hearing on H.R. 3485, Justice for Victims of Terrorism Act; 1:30 p.m., 2226 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 755, Guam War Restitution Act; and H.R. 2462, Guam Omnibus Opportunities Act, 2 p.m., 1324 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 3535, Shark Finning Prohibition Act, 11 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, to mark up the following bills: H.R. 2773, Wekiva Wild and Scenic River Act; H.R. 2950, Oregon Land Exchange Act; H.R. 2778, Taunton River Wild and Scenic River Study Act of 1999; H.R. 3084, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; H.R. 3241, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina; and H.R. 3676, Santa Rosa and San Jacino Mountains National Monument Act of 2000, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Technology, hearing on Wireless Internet Technology, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Paperwork Reduction, hearing on OSHA's Proposed Ergonomics Standard and its Impact on Small Business, 10:15 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on VA adjudication of Hepatitis C claims, and the following bills: H.R. 1020, Veterans' Hepatitis C Benefits Act; H.R. 3816, to amend title 38, United States Code, to provide that a stroke or heart attack that is incurred or aggravated by a member of a reserve component in the performance of duty while performing inactive duty training shall be considered to be service-connected for purposes of benefits under laws administered by the Secretary of Veterans Affairs; H.R. 3998, Veterans' Special Monthly Compensation Gender Equity Act; and H.R. 4131, Veterans' Compensation Cost-of-Living Adjustment Act, 10 a.m., 334 Cannon.

Committee on Ways and Means, to continue hearings on fundamental tax reform, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence: executive, hearing on Building Capabilities: The Challenges of Managing Intelligence Community Personnel Resources, 1 p.m., H–405 Capitol.

Next Meeting of the SENATE

10:30 a.m., Thursday, April 13

Senate Chamber

Program for Thursday: After the recognition of six Senators for speeches, and the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will continue in morning business for debate with regard to H.R. 6, Marriage Tax Penalty Relief Act.

At 2 p.m., Senate will vote on the motion to close further debate on pending Amendment No. 3090 to H.R. 6 (listed above). Also, Senate expects to consider the conference report on H. Con. Res. 290, Congressional Budget Resolution.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 13

House Chamber

Program for Wednesday: Consideration of the Conference Report on H. Con. Res. 290, Congressional Budget Resolution for Fiscal Year 2001 (rule waiving points of order, one hour of debate);

Consideration of H.R. 4199, Date Certain Tax Code Replacement Act (closed rule, one hour of debate);

Consideration of H.R. 3439, Radio Broadcasting Preservation Act (open rule, one hour of debate); and

Consideration of H.R. 3615, Rural Local Broadcast Signal Act (closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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